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HISTORY

OF THE

CITY OF MEMPHIS

AND SHELBY COUNTY

TENNESSEE.

WITH ILLUSTRATIONS AND BIOGRAPHICAL SKETCHES OF SOME OF ITS PROMINENT CITIZENS

BY

J. M. KEATING

EMBER OF THE HISTORICAL SOCIETY OF TENNESSEE; MEMBER OF THE AMERICAN PUBLIC HEALTH ASSOCIATION.

VOLUME I

SYRACUSE, N. Y.
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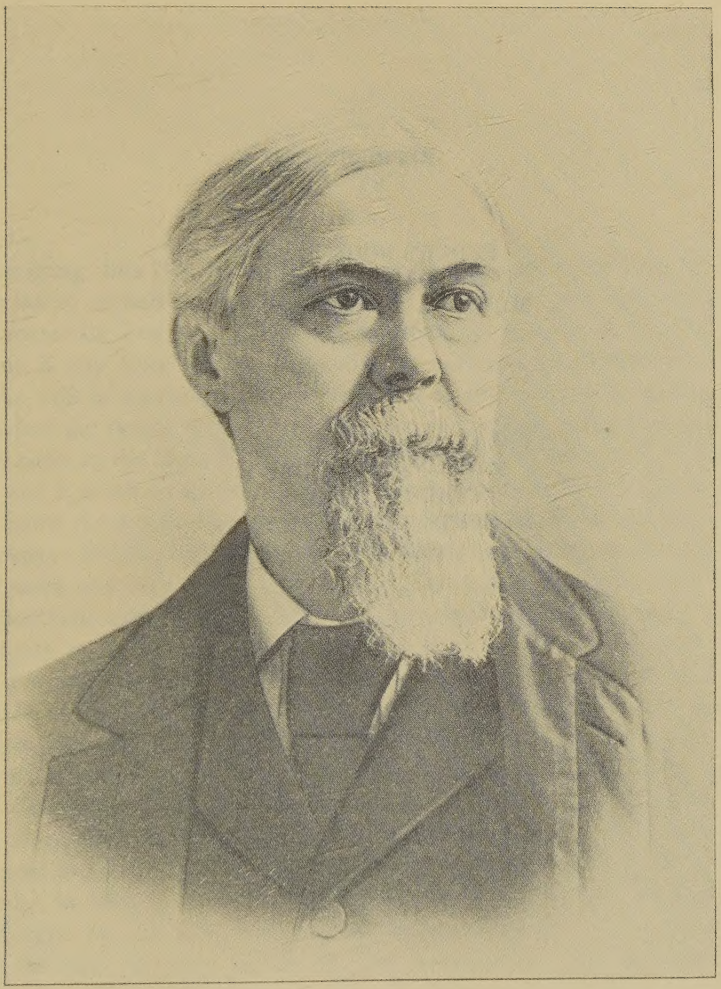
1888

TO MY WIFE,

TO WHOM I AM INDEBTED FOR AFFECTIONATE INTEREST,
CONTINUOUS ENCOURAGEMENT AND VERY VALUABLE
AID IN ITS PRODUCTION, I DEDICATE THIS
HISTORY OF MEMPHIS.



J. M. Keating.

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PREFACE.

In submitting this History of Memphis to the people whom it most concerns, it is fair to remind them that, as I had no predecessor and was compelled to gather materials from many sources, some things may have escaped my search; but if any have they could not be of sufficient importance to have changed the drift or current of the larger events as they shaped themselves, or seriously affect the results which were made for and against the building of the city. Few cities in the United States have encountered as many vicissitudes as Memphis, and it is fair to assume none have been witnesses of so many stirring periods. Since the day in 1541 when De Soto sighted the Mississippi from the lower Chickasaw Bluffs, they have never been lost sight of by the civilised world. More and more and clearer and clearer they have come into view until now they are identified as the site of a growing city destined some day to be great. What that city is and by what painful experiences it has become what it is, the pages that follow, plainly and without reservation, set forth. Nothing has been omitted or concealed that could be found in any way linked to the destinies of Memphis, or that was collateral to its development. There is reason to believe that Spanish missionaries followed in De Soto's footsteps and made the lower Chickasaw Bluffs a missionary station. These were succeeded by Joliet and Marquette, who also established a missionary, and in the same place a trading post in 1673. They were succeeded by Hennepin, and later by De la Salle, who, in 1681, built Fort Proudhomme at the mouth of the Nashoba (named Margot by the French, and Wolf by the English). Bienville came next upon the scene in 1739, and built Fort Assumption; he was succeeded by Foy, the Spanish Indian agent, in 1783; he by Governor Gayoso, in 1795, who erected Fort St. Ferdinand; and he by Captain Guion, United States Army, in the same year, who erected Fort Adams. He was succeeded by General Pike, who in 1803 built Fort Pike, and he in 1805 by General Wilkinson, who built Fort Pickering (so named in honor of Washington's secretary of war). Wilkinson was succeeded by John Overton, who, in 1819, laid off the city, which was incorporated in 1826–27. Thus we have in chronological order the identity of Memphis as a point of historic interest always in view, sequently, through all the changes in government that befell the Mississippi valley, from Spanish to French, back to Spanish, and thence again to French

control, finally coming under the undisputed dominion of Tennessee and that of the United States. Through wars and revolutions and diplomatic disputes, through epidemics and commercial revulsions, Memphis has passed with more or less of success into the ways where hereafter, let us hope, there are to be no hindrances. There is something very sad in a work like this which traces the failures as well as the successes of a community, but there is above that something ennobling in the lessons it conveys. The struggles here traced, as it is believed with accuracy, show the march of the community from the uncertain stages of French settlement and attempted colonisation to the crude Indian station, the hamlet, the village, the town and the city. What conflicts, what contentions, what partisan bitterness. How impotent it all seems now, but how necessary it was in the development of the present strength and position of Memphis. How futile the labors of thousands appear when civil war supervened on sectional passion and the accreted gains and comforts of two generations disappeared in two years. But there are many genre pictures like those that give glimpses of the rollicking fun of frontier life and the genial, kindly neighborhood feeling of the society that replaced the backwoodsmen, the camp meetings, the militia musters, the stumping canvasses, the barn dances and the barbecues. These phases of life have almost all disappeared. They belong to the past but they are worthy of remembrance even by a generation to whom electricity is now the supreme agency. There is a pathos, a glamour of tenderness over it all. In these pages we feel the strength of the pushing, restless column with here and there a hand lifted in a vain attempt to rise above it and assert a strong individuality. Few succeeded in this. Whether affiliated by blood, connaturalised by caste or associated by the traditional sympathies of class sentiment and interest, the restless tide pushed on, crushing bad and good, blighting many noble aspirations, cutting short many useful careers, and nipping in the bud many rightly aspiring souls. Unconsciously but destructively asserting its right of natural selection and survival of the fittest, the great army, the head of which was long since mustered with the dead, is still ruthlessly pushing its way, building as it goes, cheerily and hopefully, as if the young recruits were not already in training who are to become the builders of the future. May they profit by the story that is here told, and learn from it not to be too dogmatic in their judgments nor too sanguine in their plans for the future. May they learn not to scan their brother man too closely, "for to err is human," and may they see not only how men have failed and community growth been arrested, but how and by what means the city recovered lost ground and by what courage and unselfish public spirit it was prevented from falling into utter ruin and collapse. "History is philosophy teaching by example."

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HISTORY OF MEMPHIS.

1541–1827.

I.

THE history of Memphis begins in 1541 with the discovery of the Mississippi by Hernando de Soto, one of the most intrepid of the soldier-explorers of Spain, and it embraces the whole of the three and a half eventful centuries of modern life. The condition of Europe, a minute of which is necessary to our story, was at this time deplorable in the extreme. The masses were steeped in ignorance, beclouded by religious bigotry, and grovelled in the profoundest depths of degradation. They existed to support the lords of the soil, and held their lives at the pleasure of their masters. Without education, without a place in the body politic, other than that of serfs, they were powerless. Life had few charms for them, and but few opportunities opened to them for advancement. The cradle was shrouded in gloom; the grave was the gateway from slavery to rest and peace. A marauding and illy-paid soldiery sustained the grasping tax-gatherer, who anticipated the fruits of the earth, and in the name of the emperor, king or lord, stripped the toiling millions of the results of their labor. The dwellings of the people were mere hovels; homes they had none. Their clothing was rough, insufficient, and cumbersome; body-linen was unknown to them. They fed as the beasts—as they could, of what they could, and from whatever they could. The decency and comfort of the humblest modern table were still more than three hundred years away. Science was under the ban as the work of the devil. It was frightened and subdued; its worshippers burrowed in secret, and were content to satisfy only their own longings for knowledge. The arts had not yet condescended to cheer the laboring and toiling millions. The church and the palace monopolised them. Justice slept. Law was subjected to the caprice of might, which was everywhere supreme. Even the chastity of the poor maiden was held at the will of the knight, who was sworn to defend only the sacred temple of his "lady's" virtue. The armies, composed of mere bandits, held together by the

"cohesive power of plunder," divided with the church the ambitions of men. Chivalry was stubbornly disputing the fate which was soon to overtake it. The brooding power of freedom, warmed by the blood of martyrs and contending hosts, only at rare intervals blessed the hungry and longing millions with its quickening impulse.

The relative strength and position of the nations of Europe was as disproportioned as that of the people and the princes. The Russian empire was in embryo. Prussia was yet in the womb of time. Spain was master of the continent—"mistress of the world"; she had recently humbled Italy, Germany, and France, and had annexed and acquired an extent of territory quite one-third of the best part of the Europe of to-day. England had just begun the struggle for freedom of conscience; she was Protestant after a fashion under Henry VIII. John Knox was on the threshold of his great career in Scotland. Parts of Germany and Switzerland had declared for the right of private judgment, and the Huguenots of France and the people of the Netherlands were shaming the early martyrs by their constancy and devotion to the great principle that is the basis of all human freedom. Austria was an appendage of the German empire. Hungary was a semi-barbarous kingdom. Italy was subdivided among petty princes, a few free cities surviving to keep alive the spirit of commercial and municipal independence. Sweden and Norway were conjointly a great power, and Poland, still strong, stood sentinel between the hordes of Asia and of Eastern Europe, and the centres of what civilisation there was. But Spain was far above them all. Her navies swept the seas, and her diplomats arbitrated and adjusted the affairs of the world, guided by the church. She was the defender of the faith, and her king was "His Catholic Majesty." Swarming in the wake of Columbus, her adventurous sons had swooped upon the coasts of America; and Peru, Chili, Mexico, Central America, and the West Indies had been conquered and annexed to her dominions by Cortez and Pizarro. Three semi-civilized nations had been blotted out amid carnage and bloodshed too horrible for words to paint, and a fabulous wealth had been stolen to enrich the depleted treasury of a power which was the avowed enemy of the peace and progress of mankind.

In this ruthless, bloody, and piratical work, De Soto learned his first lessons as a soldier. While yet a mere lad, only nineteen years of age (1519), he entered the service of his king, under De Avila, his adopted father and prospective father-in-law, who had recently been appointed governor of Darien. Under this mercenary and merciless tyrant, commissioned to plunder, conquer, and annex, he assisted in the subjugation of that country, and was a protesting witness of many of the fearful excesses of an unbridled and brutal soldiery. But his protests were in vain. De Avila was intent only on enriching himself. Failing in his desire for a humane prosecution of the war, De Soto left Darien, notwithstanding his desire and pledge to marry his commander's youngest daughter, and went to the aid of Hernandez in Nicaragua. After

that he explored Honduras, Guatemala, and Yucatan, and next took service under Pizarro, whose excesses he frequently and sternly rebuked. He greatly signalised himself, especially at Cuzco. To him belongs the glory, and to Pizarro the shame of the conquest of Peru. After fifteen years of this service he returned to Spain (1535) with a fortune variously estimated at from $500,000 to $1,000,000. De Avila had preceded him home and had died, leaving his two daughters penniless, because they loved poor men and would marry against his wishes. The youngest, Isabella, was the betrothed of De Soto. She waited patiently for him, although she had not heard from him in all the years of his absence. Voluntarily surrendering great wealth, and with unshaken faith in his honor, she retired to the protection of a convent, and there remained until his return. He was now rich; she was poor. But better than riches, he was true. He married her, notwithstanding the roses had faded from her cheeks, and she was no longer the beautiful girl of his youth. For two years the happy couple enjoyed the festivities of the brilliant court of Madrid, where they were well received and much feted. When he had expended perhaps half his wealth in the inane frivolities of court life, De Soto tiring of inaction, and with a view to recuperate his exchequer, proposed to King Charles the conquest of Florida, which meant unlimited territory in North America. This feat had previously been attempted by Ponce de Leon in 1513, and in 1528 by Narvaez, who had penetrated as far as Apalache, whence he was driven back to the coast by the Indians, who killed and captured many of his troops, most of the survivors perishing afterwards at the mouth of the Mississippi in their efforts to reach Mexico. De Soto, undaunted by these failures, in April, 1538, having received the king's ready consent upon the usual terms of a division of the spoils, and being commissioned governor-general of Cuba, sailed from San Lucas with a force that numbered nine hundred men, twenty officers and twenty-four priests. The voyage was an uneventful one. Touching at Santiago de Cuba, he there left his wife and the other women who had accompanied the expedition, and sailed for the bay Espiritu Santo (Tampa Bay), landing (May, 1539) where Narvaez had ten years before. Two months were spent in landing live stock, munitions, arms, and food, and in preparing for the march. In July he sent his ships back and set out upon his hazardous and ill-starred exploration of the new continent in the hope of gold. At almost every step he met with a fierce and relentless opposition, and his way was tracked by blood. The Indians had learned by the treachery and wanton massacres of their kindred by De Leon and Narvaez to hate the white man, and they encountered De Soto, whose troops repeated those crimes on a more extended scale, fearlessly and for him fatally. After a weary and harassing march, attended by heavy losses of life and supplies, through what are now the States of Alabama and Georgia into East Tennessee,[1]

[1] Dr. Ramsey thinks that the Choualla or Xoualla mentioned by the Portuguese historian

he retraced his steps and reached Mauvila or Maubila (Mobile) in October of 1540. Here he proposed to rest and recuperate, but the indiscreet and rash patriotism of an Indian chief precipitated a conflict that raged for nine hours, and ended in the total destruction by fire of the town, which was strongly fortified, and the death, by burning and suffocation, of 2,500 Indians. Eighteen Spaniards were killed and one hundred and fifty were wounded with arrows, nearly all of the survivors, including De Soto, sustaining wounds or injuries. Twelve horses were killed and seven wounded—an irreparable loss. The baggage of the Spaniards being with them in the town, was entirely consumed. The soldiers after this awful massacre become dispirited, and it being reported that their ships had returned from Havana to Pensacola Bay, they began to talk of taking matters into their own hands and returning to Cuba. But De Soto, who himself had become gloomy and morose, was more resolute than ever. "I will not turn back," he said, as quoted by Bancroft, "till I have seen the poverty of the country with my own eyes." Learning that the spirit of mutiny was abroad in the camp, he went among the men disguised as one of them, and realising how disaffected they were fast becoming, resolved on another movement north; he did not know where, nor did he care. He had become reckless. He felt that his expedition was already almost a hopeless one.[1] To return to Cuba was to confess defeat, to court disgrace and end his days in poverty. He had staked all on this venture—his fortune and his name, and he was too proud to go back to his wife, bankrupt in purse and reputation, all his previous triumphs eclipsed by this failure. In the autumn of 1540, therefore, the little army took up its line of march through the unbroken wilderness and reached Chiacilla, an Indian town on or near the Yazoo River in the Natchez country. There he met the Natchez tribe and fought another great battle, and there he spent the winter of 1540-41. By this time his force was greatly reduced. Dissatisfaction was openly and frequently loudly expressed by rank and file alike. They had encountered nothing but hardships and almost uninterrupted and harassing warfare. The gold which it was promised would reward their persistence and bravery was as far off as ever. They

who had accompanied De Soto, was the Chillhowe of the Cherokees, as his description of the country about there is exact. He also thinks that the Canasaqua mentioned by this "Portuguese gentlemen" is the Canasauga, one of the tributaries of the Coosa. Talisee and Sequatchee are also mentioned by De Soto's historian, furnishing additional evidence of his presence in East Tennessee.

[1] Claiborne in his "History of Mississippi," says: "The whole march of De Soto exhibits an eccentricity, a want of design, a dilatoriness not characteristic of military ability. If he was searching for an El Dorado, or for Ponce de Leon's fountain of life, his wanderings may be understood. But even with these objects a wise leader would have cantoned his army in some well-provided and healthy position, and despatched scouts and experts for information. The fame he acquired in Peru he lost in Alabama and Mississippi. His accidental discovery of the great river, and his subsequent death upon its shores and burial in its waters, have associated it with him forever, and it is this that makes his name historic.

were tired of bloodshed, toil, and turmoil. But they were true to their commander, and pushed on through the wild and trackless woods.

In May of 1541 De Soto sighted the Mississippi River. He entered the village of Chisca,[1] near the high mound which overlooks the great river, where it divides to flow southward on either side of what is now known as "President's Island."[2] The Spaniards took the villagers by surprise, striking them with alarm; but De Soto convinced them that his presence meant peace, and he was permitted to remain, with a promise of such food as could be supplied. When the excitement consequent upon the entry to the village had subsided,

[1] Called by the Portuguese historian, "A Portuguese Gentleman of Elvas," Quizquiz, or Quis Quis.

[2] Andrew Elliott's journal says De Soto reached the Mississippi River in 34° 10′; Belknap says within the 34th parallel; McCullough says twenty or thirty miles below the mouth of the Arkansas River; "Martin's Louisiana" says a little below the lowest (fourth) Chickasaw Bluff; and Mettal's "Travels in Arkansas" says at the lowest Chickasaw Bluff.

Some intelligent persons assert that De Soto discovered the Mississippi at Randolph, the oldest town in West Tennessee, situated about fifty-two and one-half miles on the river above Memphis, and for some years a very dangerous rival for her commercial distinction and honors, but the weight of authority is with Memphis. Claiborne, in his "History of Mississippi," says "that after his battle at Alibamo (located by Pickett on the Yazoo and Tallahatchie Rivers) De Soto pursuing his course to the northwest, reached 'the great river at the lower Chickasaw Bluffs, just below old Fort Pickering, in May, 1541.'" "Any route," he adds, "from the Chickasaw Old Fields south of the one assumed would have carried him into the impenetrable swamps of the Yalobusha and Tallahatchie and their tributaries, where there were no paths or footing for men or horses."

Bancroft:—"The Spaniards were guided by natives to one of the several crossing-places, probably at the lowest Chickasaw Bluff, not far from the 35th parallel of latitude. The arrival of the strangers awakened curiosity and fear. A multitude of people from the other side of the river, painted and gaily decorated with great plumes of white feathers, the warriors standing in rows with bows and arrows in their hands, the chieftains sitting under awnings as magnificent as the artless manufactures of the natives could weave, came rowing down the stream in a fleet of two hundred canoes, seeming to the admiring Spaniards 'like a fairy army of galleys.' They brought gifts of fish, and loaves made of the fruit of the persimmon. The boats of the natives were too weak to transport horses; almost a month expired before barges, large enough to hold three horsemen each, were constructed for crossing the river. At length, at the end of May, the Spaniards embarked upon the Mississippi, and were borne to the western bank."

In the second volume of the "Narrative and Critical History of America," edited by Justin Winsor (1886) the conclusion is reached, after the most critical examination of all the authorities — Spanish, Portuguese, French, English, and American — that as to the place of De Soto's crossing of the Mississippi "there is a very general agreement on the lowest Chickasaw Bluff."

The Hon. E. P. Stanton, in 1848, representative in Congress from the Tenth District of which Memphis was then a part, was mainly instrumental in securing the filling of a panel in the rotunda of the National Capitol with Powell's painting of the Discovery of the Mississippi by Hernando de Soto. He suggested the subject and Mr. Howell accepted it. Bancroft says De Soto came upon the river "about the lowest Chickasaw Bluff, not far from the 35th parallel of latitude." Memphis is only a few minutes north of that latitude, and must therefore be near the point of discovery.

and the amazement and wonder of the soldiers had been satisfied, De Soto named the broad and mighty stream the "River of the Holy Ghost." [1]

Made gloomy and despondent by the increasing disaffection of his men, yet undismayed by the perils he had encountered, late in May, 1541, De Soto, with his little army, crossed the river on the rafts he was permitted to build, left Chisca, and plunged again into the wilderness, Before beginning the long and weary march that was to end in death for him, De Soto went in state to

[1] His soldiers, in their first transports of enthusiasm, called it El Grande, and afterwards Rio Grande and Rio Escomido. The French called it La Palisade, on account of the innumerable snags in it. Ray also called it Rio Colbert, after the great French minister. "In the process verbal," says Claiborne, in his "History of Mississippi," by which the king of France, in 1716–20, turned over the colony of Louisiana for fifteen years to the John Law Company, the river was named the "St. Louis." Iberville says "the Indians of the seacoast called it Mal-bou-chia. By some tribes it was known as Cho-co-qua, Mal-bok-a, and Namese-sipon. The name given it by the Chickasaw Indians was Chiscagua, and by others at different points along its banks, Tomaliscau, Tupata, Mico, and near its mouth, Ri. The Illinois Indians called it Messippi; the Chippewas, May-see-see-be, "Father of Running Waters"; Father Allonez, Messipi; Joliet, Rivière de Buade (the family name of Frontenac, governor of Canada); Father Marquette, Mitchisipi, and Rivière de la Conception; and by others it was called Meac-cha-sippi, Me-she-o-be, Mec-o-she-be, Mescha-chepe, Mishe-sepe, or, as sometimes spelled, Mitche-sepe (Great River, or the Great Father of Waters). King Louis XIV. spelled it Mississippy; M. le Marquis de Denonville, Micissippi; and Cox, in his map of 1743, calls it Mec-a-she-ba. The "American Historical Magazine," commenting on the changes in the spelling of the word Mississippi, says: "The nearest approach to the Algonquin word, 'The Father of Waters,' is Meche-sepe — a spelling still commonly used by the Louisiana creoles. Tonty suggested Miche-sepe, which is somewhat nearer to the present spelling. Father Laval still further modernised it into Michispi, which another, Father Labatt, softened into Misispi, the first specimen of the present spelling. The only changes since have been to overload the word with consonants. Marquette added the first and some other explorer the second "s," making it Mississipi; and so it remains in France to this day, with only one "p." It is not known who added the other, but it must have been an American; for at the time of the purchase of Louisiana the name was generally spelled in that colony with a single "p."

Albert P. Southwick, in "A Manual of Curious and Interesting Information," answers the question, "What is the meaning of the word Mississippi?" and says "an analysis of the word will show that it does not mean 'Father of Waters.' In the Indian language sepe means river; Mis-sisk, grass; Mis-sisk-ke-ow, weeds; Mis-sisk-ke, medical herbs; Mis-sisk-ke-wakuk, field of exuberant herbage; Mis-ku-tuk, meadow. The broad-bottom lands along the river were called Mis-ku-tuk. The tribes along the sides of the river were called Mis-shu-tau, signifying 'meadow people.'" Thus we have the literal meaning of the word Mis-sisk-sepe, or Mississepe, the river of meadows or grass.

The length of the Mississippi from the Hauteurs des Terre to the Gulf of Mexico is 2,896 miles. Its principal tributaries are the Missouri and its tributaries, 10,396 miles; the Ohio and its tributaries, 5,969; St. Peters, 500; Penaca, or Turkey, 200; Iowa, 350; Chacaguar, 200; Des Moines, 600; St. Croix, 300; Chippawa, 300; Wisconsin, 600; Rock River, 450; Illinois, 500; Salt, 250; Kashaskia, 300; Maramee, 200; St. Francis, 450; White, 600; Canadian, 1,000; Neosho, 800; Arkansas, 2,500; Red, 2,000; Ouachita, 800; Hatchee, 200; Yazoo, 300; Big Black, 200. Thus, with its tributaries and their tributaries, the Father of Waters empties into the Gulf, from the extremest northern point of this great central basin of America in the untrodden primeval forests of the bleak North to the orange groves of the Sunny South, 31,861 miles of rivers.

the mound on which the old Chickasaw chief, Chisca, lived, and formally took leave of him. Having faithfully complied with the truce stipulations, while occupying the village, and being supplied with food, the explorer was anxious to leave an impression of good will behind him, that would save him from pursuit by the four thousand Indians, who, since his arrival, had, with difficulty, been held in check. In peace he entered—in peace departed. He made his way by tedious marches to the highlands of White River; Bancroft says to "the district of Little Prairie and the dry and elevated lands which extend toward New Madrid." After a year of fruitless marching and counter-marching, through forests and swamps and cane-brakes, broken in spirit, in heart and hope, he reached the Mississippi again with his little band, near what is now known as Chicot, Ark., on his way home to the New Indies, where his beloved Isabella waited, longing for his return. "Here he died," as the Portuguese historian says, "on an Indian mound, south of the mouth of the Arkansas River." He had taken refuge upon it with his troops, sorely pressed by the savages, who, through all the weary days of the march through the swamps, across the White, St. Francis, and Arkansas River bottoms and innumerable bayous, had hung upon his flanks, his advance, and his rear, and contested every inch of the way. On this mound he was buried, but subsequently the body was exhumed, by order of Louis De Moscoso, his successor in command, and found at last a resting-place in the bosom of the "River of the Holy Ghost," "which still," says Bancroft, "rolls its majestic current over the place of his burial—a fitting monument for his remains, as it is for his renown."[1] The soldiers, now greatly reduced in numbers, and despairing and despondent because their beloved commander was no more, took up their line of march again, and after many bloody encounters with the Indians, much suffering, and severe losses, numbering only fifty men, found their way by land and water to Parruco (Tampico), and thence to Havana. Thus ended the expedition of De Soto to Florida—the most extraordinary of an eventful time. Like those of Ponce De Leon and Narvaez, it was an utter failure and quite as disastrous. Gold had not been discovered, nor the fountain of youth; and no attempt at the establishment of a colony had been made. It began, was continued, and ended in bloodshed. The Chickasaws, an intelligent and impressionable people, long preserved the traditions of this visit of the Spannah (Spaniards) to Socta Clonfah (Steep Bluffs). Here clustered and centered the story of their race. Here they came to council and advise, to bury their dead, and sit in contemplation of the never-ending tide that silently went out to the sea. They preserved this tradition as late as the time of their removal to the Indian Territory, and perhaps do yet. The Spannah was their special wonder—his horses, his arms, his encasing armor, his religious symbols, his worship of the cross, and his adoration of the host; and when Joliet and Marquette, eight

[1] His noble and faithful wife died three days after hearing of his sad fate.

years after the first settlements by the English in North Carolina, planted the cross for the second time near the mouth of the Nashoba, they recalled it all[1] —the gorgeous pageant of De Soto by the "River of the Holy Ghost."

II.

THERE is reason to believe that brave and devoted Catholic missionaries, notwithstanding De Soto's murderous march, maintained a nearly constant connection between the Spanish settlements at Pensacola, Florida, and the Natchez and Chickasaw Indians. The historian, John Gilmary Shea, says that "in 1559 Dominicans were traversing the territories of the Mobilian tribes from Pensacola to the Mississippi."[2] These faithful men afterwards made their way in every direction, from San Augustine through Georgia and the Carolinas to the Rappahannock in Virginia. But the first authenic record we have of the visit of white men to the Chickasaw Bluffs after De Soto is that which recounts the perilous voyage of Joliet, accompanied by the famous missionary, Marquette. Louis Joliet was selected for the work of exploring the grand river, which the Indians told the Canadians flowed southward to the sea, at the instance of Intendente Talon.[3] He made his first venture with Père Marquette, who gave his name to many places and at least one river in Canada.[4] He set out at once upon his mission, and on the 17th of May, 1673, he left Mackinaw and began his journey toward the sea. Marquette, whom he found at that place, where, on account of the ice, he remained during the winter, accompanied him, but had no official connection with him. With five *voyageurs* in two birch bark canoes they went down the Fox, made a short portage to the Wisconsin, and went down that river to the Mississippi, which they reached on the 17th of June. In honor of Frontenac, Joliet named it the River Baude, that being the governor's family name. He went as far as the Arkansas River, which he named the Bizare, after an opulent merchant of Que-

[1] So says Mr. "Boggy" Johnston, at present a citizen of New York, who was for many years connected with the tribe as an Indian agent, and superintended their journey from their old home by the Mississippi to the Indian Territory. That this may have been so there can be but little doubt, as Bancroft says that "for more than a hundred years the Indians preserved the memory of Hudson's visit to the site of the present city of Hudson on the Hudson River."

[2] Dr. Ramsey, in his "Annals of Tennessee," suggests that perhaps an exploring party, fitted out by Colonel Woods, of Virginia, in 1655, were the first white men after De Soto to enter the limits of what is now Tennessee.

[3] Winsor's "Narrative and Critical History of America."

[4] Frontenac, writing to Colbert, the French minister, on the 2d of November, 1672, notifies him of the despatch of the Sieur Joliet to discover the Mississippi, "which is supposed to discharge itself into the Sea of California. He is a man of great experience in these sorts of discoveries, and has already been almost at that great river, the mouth of which he promises to see. We shall have intelligence certainly from him this summer."—*Vol. IX., Documents relative to the Colonial History of the State of New York.*

bec. Joliet made his way safely back as far as Montreal, but there lost his journals and notes in a wreck he suffered; but he made a map from memory and gave such an account of his voyage as he could recall. Marquette also made a map, which was published in 1681, on which dense settlements are marked along the Mitchisippi Highlands, corresponding to the first, second and fourth Chickasaw Bluffs. Marquette's narrative of the voyage was also prepared from memory for Frontenac's use, and was published with his map. Father Marquette was an humble and devoted missionary, and, like all of his brethren, was without fear. He and his companions sailed down the Mississippi unchallenged until "near the latitude of thirty-three degrees. On the western bank of the Mississippi stood the village of Mitchigamea, in a region that had not been visited by Europeans since the days of De Soto. 'Now,' thought Marquette, 'we must indeed ask the aid of the Virgin.' Armed with bows and arrows, with clubs, axes, and bucklers, amid continual whoops, the natives embarked in boats made of the trunks of huge hollow trees; but at the sight of the peace-pipe held aloft they threw down their bows and quivers and prepared a hospitable welcome. The next day a long wooden boat, containing ten men, escorted the discoverers for eight or ten leagues to the village of Akansea,[1] the limit of their voyage. They had left the region of the Algonkins[2] and in the midst of the Dakotas and Chicasas, could speak only by an interpreter. A half league above Akansea they were met by two boats, in one of which stood the commander, holding in his hand the pipe of peace and singing as he drew near. After offering the pipe he gave bread of maize."[3]

[1] Bancroft: "On the thirteenth of March, at the village of the Akansas,[1] and in the presence of the tribe, possession was taken of the country for Louis the Great, with every civil and religious ceremony; and a carefully authenticated record was made of the act."

Father François Jolliet de Monteguy (sometimes confounded with Jolliet, the explorer), a native of Paris, but ordained at Quebec on the 8th of March, 1693, established a mission among the Akanzas on the Mississippi.—*Vol. IX., Doc. Hist. State of New York.*

[2] The Algonquins, according to Mr. Lossing, were a large family, occupying (at the advent of the Europeans) all of Canada, New England, a part of New York and Pennsylvania, all of New Jersey, Maryland, Delaware and Virginia, eastern North Carolina above Cape Fear, a large part of Kentucky and Tennessee, and all north and west of these States and east of the Mississippi.

[3] In 1672 the Mississippi river was discovered by the Sieur Jolliet and Father Marquette, "who were as far as the thirty-second degree and set up the king's arms, taking possession in his name of all those recently discovered nations."—*Memoir of M. de Denonville on the French limits in North America, in* 1688—*Vol. IX., Doc. Hist. State of New York.*

The Count de Frontenac, writing on the 14th of September, 1674, says: "Sieur Jolliet, whom Mr. Talon advised me, when I arrived from France, to send to discover the South Sea, returned from thence three months ago, and has discovered some beautiful countries, and so easy of navigation through the fine rivers which he found that a bark could go from Lake Ontario and Fort Frontenac to the Gulf of Mexico, one unloading only being necessary to be made at the place where Lake Ontario falls into Lake Erie, which is perhaps half a league long,

[1] Is it not possible that the name Arkansas is a corruption of this Akansas?

On their way back they stopped at the Chickasaw Bluffs, and Marquette marked it for a mission, and Joliet[1] established a trading-post, at that time the last in a continuous line from Quebec, by way of the St. Lawrence River, the lakes, and the Fox, the Wisconsin or the Illinois Rivers, a post that was thereafter to be continued as the nest or neucleus of a great city with but few interruptions, only changing from French to Spanish, and thence to English, and finally to American control. These posts were maintained by the French at but little cost and without much risk. The traders fraternized with the Indians and in part adapted themselves to their simple modes of life. There was therefore no conflict of interest. Sometimes there were intermarriages, which resulted in children — natural bonds of peace. They confined themselves

where a settlement could be formed, and another bark could be built on Lake Erie. He has been within ten days' journey of the Gulf of Mexico, and is of opinion that communications can be had with the Vermilion and California Sea by the rivers that discharge themselves from the west into the grand river he discovered, which runs from north to south and is as wide as the St. Lawrence opposite Quebec. I send you the map he has drawn of it, with the remarks he has been able to recollect, having lost his memoirs and journals on being wrecked within sight of Montreal, after a voyage of twelve hundred leagues. A little Indian that he was bringing from those countries was drowned."—*Vol. IX., Doc. Hist. State New York.*

Mr. Winsor, in his "Narrative and Critical History of America," awards Joliet the credit of being the first Frenchman to discover the Mississippi, and declares his map published on page 208 of vol. IV. to be the earliest map of the Mississippi based on actual knowledge.

[1] Dr. E. B. O'Callahan, who edited the "Documents relative to the Colonial History of the State of New York," in a foot note to page 668 of vol. IX. of that great work says: "Louis Jolliet, whose name is now imperishably connected with the discovery of the Mississippi river, was the son of Jean Jolliet, wheelwright, and Mary d'Abancoux. He was born at Quebec in the year 1645, and lost his father when he was only five years of age. After completing his studies at the Jesuit College of that city, he embraced the ecclesiastical profession, received minor orders on the 10th of August, 1662, and finished his philosophy in 1666; but he turned his attention a few years afterwards to other pursuits, and repaired to the Indian country. In 1673 he was elected by Count de Frontenac to proceed in search of the great river which the natives said flowed into the Gulf of California. Father Marquette, who was invited to accompany him, said that Jolliet was eminently qualified for such an important undertaking. He possessed good conduct, wisdom, courage, experience, and a knowledge of the Algonquin languages. The success of this expedition is a matter of history. On the 7th of October, 1675, Jolliet married Clara Frances Bissot, also a native of Quebec. In 1680 he was appointed hydrographer to the king, and 'as a reward for having discovered the country of the Illinois, whereof he has transmitted a map to my Lord Colbert, and for a voyage he made to Hudson's Bay in the public interests,' he obtained a grant of the Island of Anticosti in the Gulf of St. Lawrence, which, on account of the fisheries and the Indian trade, was at the time one of the most profitable seigniories in Canada; in connection with it he had an establishment also at Mingan, on the mainland or opposite shore. He built a trading-post, and visited the island every year, and it was on the way back to Quebec in 1690 from this establishment that his wife, his mother-in-law, and some sailors in his employ, were taken prisoners on the river St. Lawrence by Sir William Phips. On the 30th of April, 1697, he obtained a grant of the Seigniory of Jolliet, on the river Etchemius, south of Quebec, which is still in the possession of some of his descendants. He died between 1700 and 1702 (the precise date not having been preserved), leaving a wife and four children."

strictly to barter and trade, made no offensive show or exhibit of military occupation or colonization, and hence did not incur the hostility, the jealousy, or suspicion of the natives. Other priests succeeded Marquette and other traders to Joliet's market. Father Hennepin, a Dutch Franciscan, visited Chisca in 1680.

Two years after Father Hennepin's visit, and nine years after the departure of Joliet and Marquette, Chisca was taken possession of in September, 1681, by Robert Cavelier de la Salle, an officer in the service of France, who proclaimed it and all the country about it from ocean to ocean to be the possessions of his king, and named it Louisiana.[1] He made a treaty of peace with the Chickasaw Indians and built a fort, with necessary cabins,[2] near the mouth of the Nashoba River, which he named the Margot. In honor of the officer he left in command, he named the fort Prudhomme. This was the first attempt at military occupation by a military power on the banks of the Mississippi River. La Salle then sailed down the river, establishing forts and making peace with the Indians, even with the Natchez, a tribe that fought De Soto and his men fiercely, and with a vengeance that would not be appeased. He established Arkansas Post on the Arkansas River, and went on down to the mouths of the Mississippi, which he explored, and then retraced his steps to Fort Prudhomme, where, for some time, he lay ill of a fever; recovered from which, he returned to Quebec.[3] He returned to New Orleans the following

[1] On the 6th of April of that year, at the mouth of the river, as his faithful friend, De Tonty, tells, De la Salle made a more formal proclamation of the annexation to France of this vast territory, describing in detail the lands, seas, bays, straits, rivers, cities, towns, and peoples, mentioning many of the tribes of Indians whose consent to this act he had previously obtained, among them being the Chickachas, who assured him that he and his party were the first Europeans to descend the great river. This proclamation, adorned with the arms of France, he caused to be fastened to a column, which was washed away by a flood in 1683.

On the 10th of May, 1665, M. Talon, Intendente in Canada and other territories of Northern New France, wrote to "My Lord Colville," "I shall not here speak of its vastness [the country claimed and possessed by France.] . . . . I shall only say, that nothing is so easy as to take possession of the entire of that vast country by constructing forts at the head of the lakes and rivers; the navigation thereof would facilitate the preservation of the forts, or at least by drawing up regular minutes of taking possession and raising the cross for Christianity, and the royal arms for the State, at the places to which we shall be able to carry them; and I already design, without waiting his Majesty's orders, to send four escutcheons of France that I brought with me to be planted in the most distant countries, and to cause *procès verbaux* to be drawn up, knowing that such being incapable of prejudicing his Majesty, may, in course of time, be of use to him."—*Vol. IX., Doc. Hist. State of N. Y.*

[2] The venerable historian, Dr. Ramsey, in his "Annals of Tennessee," gives La Salle great credit for the sagacity and commercial acumen, "which induced his selection of Chisca as the site for a trading-post, especially in view of the present size and importance of Memphis; and calling attention to his construction of a cabin as well as a fort, the first of either built in Tennessee, he exclaims: 'A cabin and a fort, fit emblems and presage of the future of Tennessee. The axe and the rifle, occupancy and defense, settlement and conquest.'"

[3] Winsor's "Narrative and Critical History of America," Vol. IV., giving an account of La Salle's descent of the Mississippi River, in December, 1681, making his way through cakes

year (1682), stopping long enough on the way to complete Fort St. Louis—a large and ambitious work—on the Illinois River. Leaving his lieutenant, Tonty, an Italian adventurer, in command there,[1] he went to France in the fall of 1683, and returned the year following with a patent covering all the territory between Fort St. Louis on the Illinois River, and New Biscay, now the State of Durango, New Mexico. He was accompanied by two hundred and eighty colonists, with whom he sailed for the Mississippi, destined for Fort Prudhomme, where he intended to establish a colony. Missing the mouth of the river, by the treachery of Beaujean, the commander of the squadron, after leaving San Domingo, it drifted south, and after much quarrelling and bickering and many misadventures, the party reached what is now known as Matagorda Bay (Texas),[2] where a landing was with difficulty effected. Mons. Beaujean, the commander of the frigate that convoyed De la Salle's vessel, jealous of the commander's fame, declined to sail eastward to the mouth of the Mississippi, and secretly sailed for France, carrying away all the military stores. But La Salle, nothing daunted by this, set sail to find the mouth of the river, with forty of his men, only a few of whom returned, the rest having gone down with the vessel, which was wrecked. Joining the few who had remained behind, La Salle built a fort and named it "St. Louis," after the king of France, and some attempts were made to cultivate the soil, but the Indians would not permit this, and the result was much suffering, starvation, and death, until at last but forty persons remained. In the hope of receiving succor and relief, La Salle, with a few men, twice attempted an inland journey to Fort Prudhomme on the Mississippi, or Fort St. Louis in Illinois, and twice was beaten back. He set out in January (1687), for the third time, and with but little difficulty reached the Brazos

of ice, says: "Stopping at one of the Chickasaw Bluffs, they built a small stockade and called it after Prudhomme, who was left in charge of it Again they stopped for a conference of three days with a band of Indians, near the mouth of the Arkansas, where, on the 14th of March, in due form, La Salle took possession of the neighboring country in the name of his king. On still they went, stopping at various villages and towns, securing a welcome by the peace-pipe, and erecting crosses bearing the arms of France in the open squares of the Indian settlements. On the 6th of April La Salle divided his party into three, and each took one of the three arms which led to the gulf. On the 9th they reunited, and erecting a column just within one of the mouths of the river, La Salle formally took possession of the great Mississippi basin in the name of the French monarch, whom he commemorated by applying the name Louisiana to the valley. Up the stream their canoes were now turned. On reaching Fort Prudhomme La Salle was prostrated by a fever. Here he stayed, nursed by Membré, while Tonty went on to carry the news of their success to Michillimackinac, whence to despatch messengers to the lower settlements.

[1] Sieur de la Salle wrote Governor de la Barre on the 2d of April, 1683, from St. Louis, that, with twenty-two Frenchmen, he obliged more than forty villages to apply to him for peace, and chastised those who have violated the promise they had given him. That he had seen the Akansas, a very warlike nation, offer a sort of sacrifice to the king's arms, which he had caused to be erected in the villages on his way down to the sea.—*Vol. IX., Doc. Hist. State of N. Y.*

[2] Bancroft: "La Salle on the sixth of January [came] in sight of the shore near Galveston."

River (near the present town of Washington), where he was assassinated by two of his men, named Liotot and Duhant.[1] Thus perished an officer who had given proofs of the highest capacity as an explorer and commander.[2] De la Salle indulged in no dreams of mountains of gold or fountains of perpetual youth. He believed in colonisation by peaceful methods and by gradual encroachment

[1] De la Salle and his men were not the first Europeans to explore or march through Texas, as has hitherto been claimed. Mr. H. H. Bancroft in his "History of the North Mexican States and Texas," says: "That Alvar Nurez, who left a record of his adventures and wanderings, which was published in Spain in 1537, was the first. He was one of the survivors of a party of Spaniards numbering two hundred and forty men, besides the officers, who for six weeks sailed in a frail craft, tempest tossed, and suffering terribly from thirst, hunger, exposure, and attacks from warlike Indians, until early in November, 1527, they finally stranded on an island off the coast of Texas. Emaciated and weak, the naked survivors were cast up by the waves to fall into the hands of the savages. A few of the strongest survivors were sent to the mainland by their fellows with orders to seek help from the nearest Spaniards. The remainder were soon reduced from eighty to fifteen by famine and pestilence, and these few were enslaved by the Indians, and soon became scattered from one another. Alvar Nurez remained on the island a captive for more than a year, and was forced by his harsh masters to dig roots as food from under the water. After a time, however, he was allowed greater liberty and bettered his condition by trading with the natives on the mainland, travelling, naked as he was, over Texas for many leagues of territory, and exchanging shells and various articles used on the coast for skins and other inland products. Thus, for six years, he involuntarily made his home at Malhado Island, for thus he named the place of his misfortune. After these years of captivity he finally succeded in escaping from his captors with Oviedo, the only white survivor remaining on the island. He went down the coast, passing four large rivers, and finally entered a bay which he supposed was the Espiritu Santo, discovered in 1519. He soon fell in with three other persons belonging to the original party, and these four are the only ones who were known to have survived of the three hundred that sailed from Florida. Alvar Nurez and his party, having learned through terrible hardship to accommodate themselves to life in the wilderness, made the first extensive explorations in Texas and in the adjoining country that is known to have been made by Europeans. His account of their wanderings was republished a number of times in Spain, under a variety of titles, and was also translated into Italian, French, and English. Another narrative exists in the report given by the party to the audiencia in Mexico, in 1636. Although both statements bear the evident imprint of the fullest good faith, they were written from memory, and contain many inaccuracies. They agree in essentials, however, in regard to the adventures of the party, but there is a wide difference in dates, directions and distances. These reports are fragmentary and ever contradictory, but they throw a priceless light on the condition of Texas then. As the Spaniards do not speak of crossing the Mississippi River, as they certainly would had they noticed it, Malhado Island must, therefore, have been to the westward of that stream. The location of the Bay of Espiritu Santo is fixed by certain great sandhills, which Oviedo mentions as prominent landmarks, and at the present day the United States Coast Survey speaks of the sand mounds as rising from an almost level prairie region at the bay which now bears the name of Espiritu Santo. Thus from the internal evidence of those early narratives that either this bay or San Antonio has the best claim of being the initial point from which explorations began into the Texan territory. The journey of these pioneer explorers began in the summer of 1535, when Nurez and Oviedo took advantage of their master's annual visit to the interior to procure a supply of prickly pears for food, to make their escape."

[2] Bancroft: "For force of will and daring conceptions, for various knowledge and quick adaptation to untried circumstances, for energy of purpose, and unfaltering courage, this resolute adventurer had no superior among his countrymen."

on the territory of the Indians, if possible. Where this could not be done, he would push his way by force, discreetly used. He was a practical man, and though a soldier, knew that an appeal to the sword was to be avoided when possible. His proposed and attempted methods of settlement were those subsequently pursued by the English, and by which their descendants have possessed themselves of the largest part of the North American continent. Had he lived, the fatal mistake of Bienville, some years later, might have been made impossible.[1] A year before La Salle was assassinated, and while he was yet enduring the untold miseries of his pent up position at Matagorda Bay, Tonty (1686) visited Fort Prudhomme, whither he had been ordered by La Salle, who expected to meet him there on his return from Europe with the emigrants, who

[1] La Salle first appears in history as his (Frontenac's) messenger, chosen to invite the chiefs of the Five Nations to a meeting.—*Bancroft.*

The Sieur de la Salle, in 1674, petitions for a grant of Fort Frontenac, of which he had been in command for some time, to be maintained at his own expense, with a purpose of encouraging setttlement and the civilisation of the Indians. His majesty, accepting these proposals, "is very humbly supplicated to grant to the proposer Letters of Noblesse, in consideration of the voyages and discoveries which he made in the country at his [own] expense during the seven years he continually lived there, the services he rendered in the country and those he will continue to render; and all the other letters necessary to serve him as titles possessory to said seignory." On the 13th of May, 1675, the king, Louis XIV., in a decree issued at Compeigne, accepts the proposals of La Salle, and confers upon him the prayed for patents of nobility. On the 12th of May, 1678, the Sieur de la Salle was licensed to discover the western part of New France, "and for the execution of this undertaking to construct forts in the places you may think necessary . . . on condition, nevertheless, that you complete this enterprise within five years, in default whereof these presents shall be null and void." On the 10th of May, 1682, the king, in his instructions to Sieur de la Barre, a bitter enemy of La Salle's declares: "Several private inhabitants of Canada, excited by the hope of the profits to be realized from the trade with the Indians in furs, have undertaken, at different periods, discoveries in the countries of the Nadoussioux, the river Mississippy, and other parts of North America; but as his majesty does not think that these discoveries can be of any utility, and that attention to agriculture in the cleared settlements would be much more advantageous, his majesty is not willing that he continue granting these licenses, but merely permit Sieur de la Salle to complete the discovery he has commenced, as far as the mouth of said Mississippy river, in case he considers, after having examined into it, with the Intendente, that such discovery can be of any utility." In 1684 De la Salle remonstrated against the seizure of Fort Frontenac by Governor de la Barre, while he was absent making discoveries in the western part of New France, and he forwarded an account of his outlay on that fort and of the trade of the post. This evidently had some effect with the king, as on the 14th of April of the same year (1684) De la Salle was commissioned commandant, and to command the French and Indians he may employ in "the expeditions we have entrusted to his care, cause them to live in union and concord, the one with the other, keep the soldiers in good order and police according to our rules, appoint governors and special commanders in the places he shall think proper . . . and generally do and exercise for us in the said country all that shall appertain to the office of commandant, and enjoy its powers, honors, and authorities, prerogatives, pre-eminences, franchises, liberties, wages, rights, fruits, profits, revenues, and emoluments during our pleasure." On the 25th of August, 1687 M. de Denonville writing to M. de Seignelay, says: "I have informed Sieur de Tonty that you were very desirous he should discover means to learn some tidings of M. de la Salle.

met so dreadful a fate in Texas.[1] He waited as long as his duties would permit, and departing left a letter which, thirteen years later (1699), was delivered to De Iberville, who called at the fort on his way to Arkansas Post with two hundred emigrants. After this we hear little from or of Fort Prudhomme. It was too remote from the theatre of the wars of King William (1679) and of Queen Anne (1702) to be directly affected by them. It was, no doubt, a sleepy, dull place, the daily monotony of its routine life being only at rare intervals relieved by the arrival of a new commander, of an inspector of posts, a courier, or a missionary come to take the place of some good soul who had gone over to the majority. In 1722 Charlevoix, the Jesuit, an historian who has left voluminous records of his travels, visited Fort Prudhomme on his way to New Orleans, then but recently laid out. He found peace prevailing, and as much prosperity as the French residents cared for; as much as they could enjoy without jeapordising their safety and security.

III.

WHILE the French were thus exploring, occupying and establishing forts and posts on the Mississippi and its tributaries, the English were laying the foundations of commonwealths along the Atlantic coast. One of their settlements was known as Albemarle, and was the property of Lord Clarendon, the Duke of Albemarle, Lord Ashley, Lord Craven, Lord Berkeley, Sir George Carteret, and Sir William Berkeley. These noblemen came into possession of it by a grant from Charles II., who thus abrogated a previous grant of it by Queen Elizabeth to Raleigh. As joint proprietors, they were vested with jurisdiction over the colonists. Under the Elizabethan grant Albemarle embraced Virginia and both the Carolinas. The territorial jurisdiction of these lords pro-

He has set out with the design to direct all his attention to that object. The discovery of the mouth of the River Micissippi, would, it appears to me, be more certain according to the plan he proposed, but I doubt if he be in a condition to incur that expense unless you assist him. I conversed freely with him about that means, and the reasons M. de la Salle had for not adopting it. He told me it had been, indeed, his idea, but he could not accomplish it in consequence of the obstacles he would have experienced at this side."—*Vol. IX., Doc. Hist. State of New York.*

[1] The name "Texas," according to the researches of Thrall, the latest historian of that vast commonwealth, means "friends." The Indians who lived in the country along the Neches River, when they met the first Spaniards who came upon their coasts, cried out "tejas or texas," thus proclaiming themselves friends.

John Quincy Adams, when United States Secretary of State, had a long correspondence with Don Onis, the Spanish minister, on the disputed boundary question between the United States and Spain. The latter wrote, in regard to the early occupation of Texas by Spanish troops and missions, that the officer of Spain, who took possession of the country on Matagorda Bay, stated that he met a tribe of Indians, who saluted him with the word "Tehas." which in their language meant friendly.

prietors was more restricted. It extended from the present Atlantic coast boundary of North and South Carolina as far west as the South Seas, it being generally believed, so limited was the knowledge of the earth even thus late, that those seas formed the western boundary of the new continent. At first the government of the province of Albemarle was what is called proprietary. But in 1669, while it was still in the infantile condition, the lords proprietors conferred upon it a constitution,[1] drawn up by John Locke, author of the "Essay on the Human Understanding." In this he provided for an aristocracy under the titles of Palitinates, Land Proprietors, Caziques, and Landgraves. This was amended by Anthony Ashley Cooper, earl of Shaftesbury, but was only partially put into operation, and was finally abrogated by the lords proprietors in 1693. This constitution was granted to the fourteen hundred colonists of Albemarle as the result of their rebellion in 1677–8, under Culpepper, which had its origin in the abuses of power by the royal collector of customs, Miller, "who became obnoxious to the people. They arrested and imprisoned the president and seven proprietary deputies, seized the royal revenue, established courts of justice, appointed officers, called a parliament, and for two years maintained their right to self-government." Thus it will be seen that the spirit of liberty and rebellion against arbitrary authority was from the very first of its settlement a moving cause with the people of North Carolina. "From the germ at Albemarle sprang remotely our independence; and the seed sown in 1677, although it required the culture of ninety-eight years to bring it to maturity, continued to vegetate until it produced the rich harvest of American independence."[2]

In 1710 Thomas Cary, who had been appointed governor in 1705 (the same year that the first newspaper was established in America), was removed to give place to Edward Hyde. To retain his position he incited a rebellion which was put down by regular troops from Virginia. Meanwhile the settlers were engaged in a war of extermination waged by the Tuscarora Indians,[3]

[1] "Among other powers conferred upon the lords proprietors was that of enacting laws and constitutions for the people of that province by and with the advice, assent and approbation of the freemen thereof, or of the greater part of them, or of their delegates, who were to assemble from time to time for that purpose."—*Preface to Revised Statutes of North Carolina.*

[2] Bancroft: "Here was a colony of men scattered among forests, hermits with wives and children resting on the bosom of nature, in perfect harmony with the wildness of their gentle clime. The planters of Albemarle were led to the choice of their residence from a hatred of restraint. Are there any who doubt man's capacity for self-government? Let them study the history of North Carolina. Its inhabitants were restless and turbulent in their imperfect submission to a government imposed from abroad; the administration of the colony was firm, humane and tranquil when they were left to take care of themselves. Any government but one of their own institution was oppressive. North Carolina was settled by the freest of the free. The settlers were gentle in their tempers, of serene minds, enemies to violence and bloodshed."

[3] Bancroft: "The Tuscaroras, the most powerful tribe in North Carolina, were certainly kindred with the Five Nations," which "dwelt in Western New York."

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which was ended in 1713, and the defeated Indians moved North to the vicinity of Oneida Lake, and became the Sixth Nation of the Iroquois confederacy.

After the abrogation of the proprietary constitution in 1693, the old form of proprietary government was re-established and continued in peace until 1719, when another revolution occurred and an association was formed for uniting the whole province against the government of the proprietors, and "to stand by their rights and privileges." The members elected to the assembly, which resulted from this movement, voted themselves "a convention delegated by the people, and resolved on having a governor of their own choosing." "The new form of government went into operation without the least confusion or struggle," and was not disturbed by the English authorities. In 1729 the lords proprietors, except Lord Granville, surrendered the government of the province, with all its franchises, to the king, and their property in the soil for a valuable consideration, and the proprietors' governor, Burrington, was reappointed by Charles II. In 1732 North and South Carolina separated, and with Georgia, planted in the same year, became royal provinces, very much favored by the crown with indulgencies for promoting their prosperity, and for securing them against external enemies, and so continued until independence of the crown of Great Britain was asserted at Mecklenburg in 1775, and later resulted in the formation of an independent government, which assembled at Charlotte on the 20th of May of that year, and which led to the assembly of a congress at Halifax, November 12, 1776, which adopted a constitution on the 18th of December, and submitted it to the people, by whom it was ratified, and North Carolina[1] became a free and independent State in fact, and a member of the North American Union.

[1] As to the origin of the name Carolina, which is generally stated to have been given to the colony in honor of King Charles II., a very intelligent correspondent of the Charleston *News and Courier*, "H, V." writes that the whole of the testimony that can be adduced goes to show that the province of Carolina was named after Charles IX., King of France. In the answer of James Glenn (Governor of South Carolina from 1739 to 1755), to the queries from the Right Honorable Lords Commissioners of Trade and Plantations, addressed to the Duke of Argyle, we gather the following: "It is generally thought to have derived its name, 'Carolina,' from Charles IX. of France, in whose reign Admiral Coligny made settlements here, though they were soon expelled by the Spaniards, who, in their turn, were driven out by the natives. After this it lay as a derelict, abandoned by Europe, until Charles II. of England granted it to the Earl of Clarendon and seven of his associates by charter, dated at Westminster on the 27th of March, 1663. The limits of this charter were afterwards extended under date of June 30, 1665." We do not find any reference to the origin of the name of Carolina in Samuel Wilson's report to the lords proprietors in 1682. Drayton, in his "View of South Carolina," states that "one of the French colonies which settled there built a fort at the mouth of one of its rivers, and in honor of their prince, Charles IX., they called it 'Caroline,'" Vide Anderson on Commerce, Vol. 2, p. 124, Preface to Cox's Description of Carolina, published in 1741. In volume 1 of an old History of Carolina, which has come into our possession and which is very much defaced, with title page and name of the author destroyed, we find the following: "Jasper D. Coligni fitted out two ships and gave command of them to Jean Ribaud and sent

The rapid increase of population in the English colonies, and the boldness of the pioneers who were then blazing a path to the West,[1] induced the French government in 1736 to order Bienville, governor of Louisiana, to occupy the interior, consolidate the French possessions in the Mississippi valley, and com-

him with a colony of Protestants to America. Ribaud landed at the mouth of a river called 'Albemarle,' which was then considered as a part of Florida, and where he built *a fort* for the security of himself and followers and called the country *Carolina.*" This occurred in 1562 or 1563. About 1629, thirty-four years prior to the granting of the first charter by Charles II., we find that Charles I. granted to Sir Robert Heath, under the name of "Carolana," "an immense territory lying south of Virginia, who made no settlement on it." In fact, except a small garrison supported by the Spaniards at Augustine, the country remained a rude wilderness until the restoration. Sir Robert Heath seems, however, to have conveyed it to the Earl of Arundel, and we gather that it was in the possession of the Earl of Arundel, under the name of "Carolana," until it again became vested in the crown. It would appear there can be but little doubt that the name of "Carolina" was derived from that of the King of France, Charles IX.

Sieur de Callières, in a memoir for "My lord the Marquis de Seignelay, on the encroachments of the English on the French colonies in America," writes that "in 1562, in the reign of Charles IX., Admiral de Chastillon fitted out two ships under command of Jean Ribaud, who planted a French colony on the coast of Florida, in a river which he called the River May, where he built a fort, named by him Fort Charles. In 1564 Captain Laudonnière brought other vessels thither to reinforce that colony and Fort Charles, whence the country was called Carolina, after Charles IX., which name it still retains up to the present time. In 1565 the French were expelled thence by the Spaniards and reinstated in 1567 by Chevalier de Gourgues, who served the Spaniards in the same manner that they had treated the French prisoners. That beautiful colony, so favorably situated in the 32d degree of latitude, at the mouth of the Bahama channel, through which all the Spanish fleets must pass on their homeward voyage from the Indies, was taken from us, during the civil wars, by the English, who still hold it at the present time, contrary to every sort of right."—*Vol. IX., Doc. Hist. State of New York.*

[1] In 1700 M. de Longueuil, commandant at Detroit, held a council with the four nations belonging to his post, "on the subject of the declaration of war against the English, of Carolina," in the course of which he advised the Indians to "set out forthwith. You shall want for nothing for the extirpation of this scum. If the English escape you on the Beautiful river [the Ohio] you will find them a little farther off with his brother the Flat Head [the Choctaws].

The Flat Head hath offended me as gravely as the English, for almost all the French whom I thought were destroyed within four years by the Tchicachas, have been killed only by the Flat Heads, whom the English has supplied with arms which are no less destructive to you than to me."[1]—*Vol. IX., Doc. Hist. State of New York.*

King Louis XIV., in a memoir to Messrs. de Callières and De Champigny, dated at Versailles, May 31, 1701, in regard to the extension of clemency to eighty-four soldiers who had taken to the woods and absented themselves for some time, writes that "what has induced his majesty the more to listen to their excuses has been the resolution he has adopted to form a settlement at the lower end of the Mississippi. He proposes to place those people there, and in that way lay the foundations of a colony that has become for him an indispensable necessity, in order to prevent the progress which the English of Coloine (Carolina) and New York have begun to make in the territories intervening between them and that river."

Messrs. de Ramezay and Begon report to M. de Ponchartrain, on the 13th of September,

[1] At the same time other Englishmen who had come from Carolina were trading among the Chicachas, and had solicited these Indians to kill a clergyman (M. Foucault), who, in fact, was massacred among the Ionicas (a Louisiana tribe).

plete the connection with the posts in the West.[1] This meant war. Preparations were accordingly made, looking to a short, sharp and decisive struggle. Bienville, a prudent, energetic and fearless commander, ordered Diron D'Artaguette, an officer in command of the country lying along the banks of the Illinois River, to organise as large a force as he could consistent with the safety of his chain of posts, rendezvous at Fort Prudhomme by the 10th of May, and there await the attack of the Indians from the East. D'Artaguette obeyed this order with alacrity, and hastening his preparations, arrived at the fort on the 4th.[2] He found despatches awaiting him with information that Bienville, who was to have journeyed by the Tombigbee River, had been unexpectedly detained at Mobile, where he was concentrating his troops for a march overland by part of the route which De Soto had found so difficult. D'Artaguette's army consisted of one hundred and thirty-one Canadians and French, and three hundred and sixty-six Indians from the North.[3] Impatient, incautious, and rash, this officer could not brook delays. Notwithstanding the excellent example he had in the prudential arrangements of Bienville, and the abundant caution of his commander's despatch, he determined not to await the arrival of that officer, and resolved to attack the Chickasaws alone.[4] He marched away from the protection of Fort Prudhomme on the 20th day of May, quite sure of his strength and quite satisfied of his ability to cope with the savages who refused the benefits and blessings of the government of King Louis. He advanced into the nation, and on the 20th attacked a village sup-

1715, that Father de Ville, a Jesuit missionary, and Sieur de Vincenne, write "that the English of Carolina have recourse to every expedient to attract the Indian tribes of the South by means of the Iroquois, and Sieur Begon reports that Father Mannet, a Jesuit missionary to the Illinois (who began his labors at the mouth of the Ohio), writes respecting the encroachments of the English in the rivers Onabuche (Ohio) and Mississippi, where they are building three forts."

Messrs. de Vaudreuil and Begon, reporting on the affairs of Canada, on the 7th of May, 1726, state that the former had learned that "the English of Carolina had built two houses and some stores on a Little River [the headwaters of the Wabash in Illinois, near Fort Wayne,] which flows into the Onabuche, where they trade with the Miamis and the Ouyatanons and other Indians of the upper country."

[1] But the English had long before anticipated this movement. In April of 1730 Sir Alexander Cumming had sworn the Cherokees to an alliance, and by his request Moytoy of Telliquo (Tellico) was named commander of the Cherokee Nation. They, as well as the Chickasaws, were pledged to the friendly aid of the English and to oppose the French, and they proved their fealty and fidelity in many bloody battles.

The French at this time had Fort Toulouse, at the confluence of the Coosa and Tallapoosa; Tombeckbee, in the Choctaw country; Paducah, at the mouth of the Cumberland River, numerous trading posts along the Tennessee, and Fort Assumpcion, on the Chickasaw Bluffs, and a chain of posts, forts and stations north of the Ohio, connecting with the Canadian settlements.

[2] Claiborne says on the 9th, one day before the appointed time.

[3] Bancroft: "Fifty French soldiers and more than a thousand red men."

[4] Claiborne says D'Artaguette was compelled to hasten his attack by the impatience of his Indian allies, who threatened to withdraw, and by the want of supplies.

posed to be occupied by Natchez refugees, who, supported by five hundred Chickasaws and thirty Englishmen, after three hours of desperate fighting, defeated him, leaving only a few who escaped to tell the tale of Indian vengeance. These found their way back to the fort under the guidance of a soldier named Voisin, a mere boy of sixteen years, who took command of the fugitives, who succeeded in reaching the boats, the pursuing Indians destroying Fort Prudhomme. D'Artaguette and his chaplain, Father Senac, were taken prisoners and with fifteen others were burned to death. Bienville, ignorant of the fate of his indiscreet lieutenant, set out from Mobile on the 1st of April (ominous day), and after a four weeks' march encountered the Chickasaws at their forts on the Tombigbee River, where the English flags were flying, and where a bloody battle ensued that lasted nine hours, and resulted in the complete discomfiture of the French. Bienville, with a few of his men, escaped what was really a massacre. The Chickasaws would trade with the French and tolerate them, and perhaps adopt their religion and intermarry with them, would be advised by the missionaries, but they would not become their fellow-subjects—they would not be conquered.[1] For three years Bienville nursed his disappointment and wrath. At the end of that time, two hundred years after De Soto's discovery of the Mississippi (1739), he organised another army at the mouth of the St. Francis River, at the head of which he marched across the country in the fall of that year, and crossing the river at what is now Hopefield, occupied the site of Fort Prudhomme, and on it erected another which he named Fort Assumpcion. Under cover of its guns his army encamped (June, 1739), near the mouth of the Margot. This army was composed of twelve hundred white men and twenty-four hundred Indians and negroes. Nearly all of the whites were Canadians, who rapidly succumbed to the very unhealthy situation of the camp and the variable and fickle climate,[2] so that when the Chickasaws, frightened by what was to them a formidable host, sued for peace, the army was so much reduced that Bienville was glad to accept their proffer and be allowed to withdraw unmolested. This he did in March of 1740, thus virtually confessing another failure. The recently erected

[1] Bancroft: "The Chickasas were the dreaded enemies, who had hurried the Natchez to bloodshed and destruction; in their cedar barks, shooting boldly into the Mississippi, they interrupted the connection between Kaskaskia and New Orleans. They maintained their savage independence, and weakened, by dividing, the French empire. They made all settlements on the east bank of the Mississippi unsafe, from the vicinity of New Orleans to Kaskaskia. They even attempted to debauch the affections of the Illinois, and to extirpate French dominion from the West," (but they welcomed the English traders from Carolina to their villages.)

[2] This is the first record we have of an epidemic at the point where Memphis stands. The Canadians doubtless fell a prey to malarial fever, which in some cases assumes phases very like those of yellow fever. This was no doubt brought on by exposure, by the filth of the camp, and its situation on low, marshy ground near the mouth of a river, placed there, perhaps, on account of the protection afforded by the guns of the fort and their nearness to an exhaustless supply of water.

Fort Assumpcion was dismantled and torn down, and the Chickasaw Indians were again sovereigns and masters within their ancient territorial limits. These defeats proved the downfall of Bienville. He was recalled by the king (1743), and was retired in disgrace from the public employment. In this he suffered great injustice. The methods of colonisation he had pursued at Mobile (1702), at Biloxi, and at New Orleans (1718), prove that he at least appreciated the plan that with the English had even then proven so successful along the Atlantic coast. He knew that isolated colonies at distant interior points must exist, if at all, at the mercy of the Indians, who were jealous, suspicious and easily aroused to enmity by the agents of opposing powers. To conquer them he found was out of the question; to subjugate them was impossible. They could be pushed back from the coast by a gradually encroaching wave of white settlers, whose power was overwhelming, as in the English colonies. They might be "improved off the face of the earth," but they could not be conquered; they never have been. Bienville was made the scapegoat of a weak home government, with a make-shift colonial policy—a government to which he gave the best years of his life. He was a faithful, brave, discreet soldier, one of four brothers born in Montreal, all of whom played important parts in the settlement of Louisiana. One of these brothers—D'Iberville—was with Bienville when he settled the colonies of Mobile and Biloxi and laid out New Orleans, and, as has been stated, visited Prudhomme in 1699, and himself settled a colony at Arkansas post. They were men of indomitable pluck and perseverance, and if left to themselves might have done as much for the French on the gulf coast as the Puritans and cavaliers had done for the English farther north. As it was, Bienville impressed himself indelibly upon Louisiana, and is to-day revered as the father and founder of New Orleans. When he evacuated Fort Assumpcion and returned to New Orleans he must have taken the settlers at Chisca and at Arkansas post and Natchez with him, for the historians of the time assert that the country between Kaskaskia and Baton Rouge again became a wilderness without the faintest trace of the white man's presence. Socta Clonfah was not again occupied by white men until 1783, when the Spaniards took possession under the treaty of 1762, which ceded to them all the territory claimed by France, east and west of the Mississippi River.

As the French went out the English came in. During this same year, so fatal to the French hopes of empire on the North American continent, many traders from Virginia, following in Adair's footsteps, visited the Cherokee country, and thus blazed the way for the brave pioneers, intrepid explorers and hardy settlers that were to come after them in a few years. In 1756 Andrew Lewis, by order of the earl of Loudon, governor of Virginia, built a fort[1] on

[1] Colonel Alexander Spottiswood, lieutenant-governor of Virginia, with the Knights of the Golden Horseshoe, in 1714, explored the western country as far as Cumberland Gap, which he thus named, and also the beautiful river after the Duke of Cumberland.

the Tennessee River, thirty miles from where Knoxville now stands, and named it Fort Loudon, in honor of the governor. It was the first fort or other structure erected within the limits of the State by Anglo-Americans. "In the spring of 1758 the garrison at Fort Loudon was augmented to two hundred men, and in a few months, by the arrival of traders and hunters, it grew into a thriving town, which very soon after, together with the fort, and after a long siege, was utterly destroyed by the Cherokee Indians, and all the people, between two hundred and three hundred men, women and children, were massacred, save three men, named Jack, Stuart and Thomas," who were saved through the friendly exertions of an Indian chief, called the "Little Carpenter." This massacre was an act of perfidy, as the fort had been surrendered by the garrison on account of a prevailing famine, with the explicit understanding that the women and children were to be allowed to return in safety to the nearest frontier settlements. But this treachery was fully revenged in 1761 by Colonel Grant, who, with a regiment in which Middleton, Laurens, Moultrie, Marion, Huger, and Pickens, afterwards illustrous soldiers of South Carolina, served. After a severely contested battle this force reduced the Cherokees to submission, and expelled the French and Spanish from the borders of the southern provinces, which had the effect of inviting emigrants to settle along the streams and valleys of one of the most picturesque and productive portions of the continent. Early in 1764 another effort at settlement was made on the Wautauga River,[1] to which point the pioneers and hunters and traders had been steadily moving for the previous three years. This proved to be a permanent settlement, and was known as the "Wautauga Association" from 1769 to 1777.[2] Daniel Boone and his

A. M. Charleville, a French merchant from New Orleans, in the same year, 1714, built a store at the mouth of French Lick Creek, near the site of Nashville.

Dr. Thomas Walker, of Virginia, is also said to have discovered Cumberland Gap in 1748, and to have named it and the river for the Duke of Cumberland, then prime minister of England.

Judge Haywood's "History of Tennessee" mentions a Mr. Vaughan, who lived in Amelia county, Va., as late as 1801, who had been employed as early as 1740 as a packman to some Indian traders, and also gave a description of a great portion of what is now East Tennessee —the trader's path and fords of the rivers. At that date there was not a hunter's cabin southwest of Otter River, a branch of the Staunton, in Bedford county, Va. He engaged in trading with the Indians, which he continued until the breaking out of the war between the French and the English in 1754, when he gave up because the Indians joined with the French.

[1] J. W. M. Breazeale's "Life As It Is": Julius C. Dugger and Andrew Greer, with their families, were the first settlers upon the Wautauga River.

[2] "Wautauga Old Fields," an ancient settlement, occupied, Ramsey says, "the site of the present Elizabeth, in Carter county." Tradition says it was once the site of an Indian village, of which, when Mr. Andrew Green, an early hunter and explorer, first saw it, no trace remained but the cleared land. In confirmation of that tradition it may be remarked, that a short distance above that place, on the south side of the Wautauga River, which, near the northeast corner of Tennessee, empties into the Holston, and immediately upon its bank an ancient cemetery may be seen, in which are deposited a number of human skeletons. The "Wautauga Fort" stood upon a knoll about a half-mile northeast of the mouth of Gap Creek.

kinsman, Callaway, and Wallen and his company hunted during the season of 1763 along the Cumberland River, and in the mountains of that name, and Boone and his companions went down to the Lower Cumberland and "fixed a station at Mansco's Lick."[1] Colonel James Smith, with a small company, explored the country west as far as the mouth of the Tennesee River, and his recital of the extraordinary riches of the land excited, in Carolina, Virginia, Pennsylvania, and Maryland, "an urgent and irrepressible desire to emigrate to and settle in the El Dorado of the West." This hastened the settlement of the country, which was farther quickened by the bounties in lands given by the provinces to soldiers who had served in the wars with the French and their Indian allies. "These, with the scrip and military warrants in their hands, and accompanied by hundreds of surveyors and agents, were constantly employed in selecting and locating their respective claims." They paid no attention to a proclamation of the king prohibiting the settlement or the location of the lands by any authority whatsoever.[2] This brought about, in 1768, a concerted action by the Indians, who, however, refrained from any movement against the settlers. In that year a treaty with the Six Nations, assembled at Fort Stanwix (Rome, N. Y.), by request of Sir William Johnson, secured to the settlers all the lands of the State as far as the Tennessee River, which these Indians claimed was the southern boundary of their territory. Subsequent treaties were made in order to cover the advance of the eager and enterprising settlers beyond even the lines described by that with the Six Nations. In 1769 Captain Bean arrived. He afterwards settled what was known as Bean's Station. He proved to be an invaluable acquisition to the population. He was an intrepid and active man. His son Russell was the first white child born in the State. In the following year (1769) a large company went into what is known as Middle Tennessee to explore and hunt, some from North Carolina and others from Virginia. These, when they returned to the settlements, gave glowing

The spot is easily identified by a few graves and the large locust trees standing conspicuously on the right side of the river leading to Elizabethtown. Besides the fort people, there were near and within reach of its guns a court-house and jail, and higher up the river and upon the north side of it, near the closing in of a ridge, upon a low, flat piece of land, stood another fort. Still another fort stood near the mouth of Sinking Creek.

[1] Called "Mansco," after its second discoverer, and "Lick," because of the salt-sulphur water which escapes from springs, which the buffalo, the deer, and other wild animals visited to lick the salty earth around it. These were the best places to find game, and were much resorted to by the settlers on that account.

[2] By the treaty of peace between Great Britain and France (1699-1700) the Mississippi had been given to North Carolina as its western limit. But George III. had forbidden any settlement of white people to the west of the mountains of North Carolina. Notwithstanding this prohibition, a considerable number of emigrants from that province and from Virginia had removed to the banks of the Wautauga, "They had increased to such a degree," says Judge Martin, in his "History of Louisiana," "that, in 1776, their claim to representation in the convention that framed the constitution was admitted. In 1777 they were formed into a county which had the Mississippi for its western boundary."

accounts of the rich country in which they had hunted for eight months, and the result was that other and better equipped exploring parties went into the wilderness; and after months of hardships and perilous encounters with the Indians, returned with more valuable knowledge of the country, its extent and riches. In 1770 the "Regulators" undertook the work of policing the district, and trying and punishing offenders, and the question of taxation without representation was discussed by the brave Indian fighters, who, as citizens of the province of North Carolina, might be called upon to pay the recently levied stamp act, and they joined in the unanimous demand by the people of North Carolina for its repeal, hailing the movement of Ashe, to prevent the landing of the ship bearing the stamps, with both gratitude and gratification. But other exactions and taxes, burdensome, continued to be levied by the officers of the province, until at last the "Regulators," to the number of two or three thousand, rose in arms and resisted their collection. Governor Tryon met them at Alamance on the 16th of May, 1771, and there the first battle for liberty was fought in America, the "Regulators" being defeated. Bancroft says: "Their complaints were well-founded and were so acknowledged, though their oppressors were only nominally punished. They form the connecting link between resistance to the stamp act and the movement of 1775; and they also played a glorious part in the taking possession of the Mississippi Valley, toward which they were carried irresistibly by their love of independence. It is a mistake if any have supposed that the Regulators were cowed down by their defeat at the Alamance. Like the mammoth, they shook the bolt from their brow and crossed the mountains." This had also the effect of quickening the spirit abroad, among all classes, in Virginia and the Carolinas, to emigrate west, the middle-class people to better their fortunes, and the poor people to escape from the daily and deadly grind of poverty.[1] Fresh treaties with the Indians and fresh surveys and explorations succeeded each other almost every year, and fresh accessions of population. "As the red man[2] receded before the encroachments of the pale face, farther and farther into the depths of the untrodden wilderness, the sons of civilisation poured with an increasing and accumulating tide over the mountains from the older States; and as

[1] Foote, quoted by Ramsey, says: "Emigrants from Ireland sought the wilds of America through two avenues. The one by Delaware Bay, whose chief port was Philadelphia—the other by a more southern landing, the port of Charleston, Those landing at the latter place immediately sought the fertile forests of the Upper Carolinas, where they met a counter-tide of emigrants. Those that landed on the Delaware, after the desirable lands east of the Alleghenies, in Pennsylvania, were occupied, turned their course southward, and, soon meeting the southern tide, the stream turned westward to the wilderness, long known as 'the backwoods, or beyond the mountains,' now as Tennessee. These two streams from the same original fountain—Ireland—meeting and intermingling in the new soil, preserve the characteristic differences; the one possessing much of the air and manner of Pennsylvania, and the other of Charleston."

[2] J. W. M. Breazeale.

the emigrant came, the brawny-limbed, sturdy husband and head of the family, was seen driving his pack-horse before him, his rifle upon his shoulder, his tomahawk and butcher-knife at his side, and followed by a stout, healthy, ruddy-cheeked, strong-armed, nimble-tongued wife, with a numerous train of greasy-faced, smutty-browed brats, shaking their tattered garments in the wind, and screaming along the way like panthers upon the mountains. When the lord of the family had conducted his command beyond the furthermost verge of the white settlements (for each emigrant pushed farther and deeper into the wilds of the unexplored forest), he selected a spot for his dwelling, felled the trees, cut the logs, or rather poles, hauled them with his pony, and with the assistance of his wife erected a cabin to shelter his family, having no need for buildings in which to store away his household goods. His dwelling house being completed, he next turned his attention to the necessary means for the support of his family, relying alone upon his own keen eye and his sure-shooting rifle; for the woods were densely populated with bear, buffalo, elk and deer, and the land teemed with honey, the wild bees swarming through the forest as thick as musquitoes in the swamps of the Mississippi. His leisure hours were occupied in clearing a 'patch' and enclosing it within a brush or cane fence, upon which to raise corn for his next summer's bread. When the day's toil was over, he seated himself in his homely, but peaceful and happy mansion, and regaled his wife and weans with some old-fashioned hunters's song, or by playing a Virginia jig upon a gourd fiddle, while his train of tatterly brats kicked up a tremendous dust as they danced over the dirt floor, keeping time to the rich and mellow tones of music, as they rolled beneath the hand of their sire, from this magnificent stringed instrument of his own manufacture. . . . . They were a hearty, free-born race, 'the man priding himself on his ability to procure food for and protect his family,' and 'the woman to labor by day and night to feed, clothe and maintain the family.' 'A tow-cloth hunting-shirt, buckskin breeches, leggins and moccasins of the same material, with a cap manufactured out of the skin of the otter, beaver, fox, or raccoon, was good enough raiment for them.' They enjoyed a jig upon the puncheon or dirt floor at the end of the day, with the cheerful helpmeet, who had 'kept her corner up.'" Such was the life and habits of the pioneer settler.

IV.

THE territory, the settlement of which had thus been initiated, was claimed, the eastern part of it, by the Cherokee Indians; the middle, from about where Nashville now stands to the Ohio River, by the Shawnees or Pawnees, a wandering tribe that at one time occupied Eastern Virginia, then the headwaters of the Savannah, whence they removed to North Alabama, and thence to the

valley of the Cumberland;[1] all west of the Tennessee River was claimed by the Chickasaws. A few years previous to the entrance of the first white settler, in 1769, the Cherokees and the Chickasaws combined, and after repeated and bloody contests had driven the Shawnees north, beyond the Ohio River, where they united with the Six Nations, still, however, asserting their right to the beautiful country bordering on the Cumberland, and to which they occasionally returned to hunt, only to be driven away each time with greater loss, until at last there was but a mere remnant of them left. On account of these frequent contests the territory now comprising the States of Kentucky and Tennessee became known to the northern and southern Indians as the "debatable land—the dark and bloody ground." It was not inhabited, save by the Cherokees and Chickasaws in the extreme eastern and western corners. When Captain Bean made his advent, near the Holstein River, it was a mere hunting ground, claimed by the Six Nations through the Shawnees[2] and by the Cherokees and Chickasaws.[3]

The Cherokees (from "Cheera"—fire) occupied and claimed the country lying upon the sources of the Catawba and the Yadkin—upon Keowee, Ingalow, Flint, Etowah and Coosa on the east and south, and several tributaries of the Tennessee on the west and north. "The Cherokees, Chilikees, or more properly speaking, Tsalakies (or as David Brown writes it, Tsallakee), occupied the country north and south of the southwesterly continuation of the Appalachian Mountains, embracing on the north the country on Tennessee or Cherokee River and its tributary streams, from their sources down to the vicinity of the Muscle Shoals, where they were bounded on the west by the Chiscas. The Cumberland Mountains may be considered as having been their boundary

[1] Bancroft: "The Shawnees connect the southeastern Algonkins with the west. The basin of the Cumberland river is marked by the earliest French geographers as the home of this restless nation. . . . It was about the year 1698 that three or four score of their families, with the consent of the government of Pennsylvania, left Carolina and planted themselves on the Susquehannah. Others followed, and when, in 1732, the number of Indian fighting men in that colony was estimated at seven hundred, one-half of them were Shawnee emigrants."

[2] Bancroft speaks of the Chickasas (spelled by the early French, Tchickasas) as "the faithful, the invincible allies of the English," and he says of the Choctas that they "were the allies of the French, yet preserving their independence; their love for their country was intense, and they contemned danger in its defence." The Cherokees, he says, were "the mountaineers of aboriginal America. . . . The 'beloved' people of the Cherokees were a nation by themselves."

[3] Ramsey: "Vague and uncertain claims to several portions of the territory were asserted by as many several tribes; but no part of the present Tennessee was held by the actual and permanent occupancy of the Indians, except that section embraced by the segment of a circle, of which the Tennessee river is the periphery, from the point where it intersects the North Carolina line to that where this stream enters the State of Alabama. This was settled by the Cherokees. All of Tennessee, beside this, was uninhabited, though a portion of it was claimed or occupied as hunting grounds by the Shawnees, the Chickasaws, the Choctaws, and the Cherokees."

on the north; but since the country has been known to us, no other Indian nation, except some small bands of Shawnees, had settlements between those mountains and the Ohio."[1] The Chickasaws inhabited the country east of the Mississippi and north of the Choctaw boundary. Their villages and settlements were generally south of the thirty-fifth degree of north latitude, but they claimed all the territory within the present States of Tennessee and Kentucky. They exercised a great influence over the Natchez and Choctaws, and in physical appearance, language, laws, traditions, and customs, were so closely allied to the latter as to lead to the belief that they had a common origin.[2]

The Uchees once occupied the country near the mouth of the Hiawassee; their warriors were exterminated by the Cherokees. The Muskohgee or Creeks occasionally lived or hunted along the southern boundary of Tennessee, but never found a permanent settlement in it.[3]

"The men of the Chickasaw and Creek tribes[4] were tall, erect, and moderately robust, their limbs well shaped so as generally to form a perfect human

[1] Gallatin.

[2] Judge Thompson, a half-breed Choctaw, furnishes the following tradition. Treating of the origin of the Chickasaws, Choctaws, and Cherokees, he says: "They were guided from the west, or to use the Indian phrase, 'from the land where the sun sets,' whence they were driven by the Aztecs from the shores of a great ocean, by two white dogs. Their leader was named ....., who died, on the route, of old age. He was the father of Chickasubba and Choctubba, to whom he left the chieftainship, they to reign jointly, instructing them to follow the white dogs and be guided by their motions. This they did until the bluff on which Memphis stands was reached. There the dogs disappeared. It was the habit of these dogs during the march to keep about 200 yards in advance of the tribe, and each evening to disappear and thus indicate the camping ground for the night, re-appearing in the morning about sunrise and waiting patiently for the Indians to resume their march. This, it may be remarked by the way, recalls the Israelitish story of the pillar of fire by night and the cloud by day. When the tribes reached the Mississippi at Oldtown Lake the dogs lead them around and away from the town, on which a curse had been laid by the Great Spirit. It was deserted, and the silence of ages seemed to rest upon it. Leaving Oldtown, the dogs leaped into the river, and taking possession of two canoes, pushed them before them, and continued northward until the Chickasaw Bluff was reached. There they landed and disappeared forever, leaving in their places two white wands, by which the two branches of what up to that time had been a single tribe were directed to the hunting grounds they possessed when the white man first met them. These wands, carried by the leaders, were planted in the ground every night, and in the morning were found to lean in the direction the tribe was to travel. The wand of Chickasubba lead southward and that of Choctubba lead eastward and northeast. From the Choctaws sprang the Creeks, who also have transmitted this tradition of their origin. The Cherokees and Seminoles are also supposed to have sprung from the Chickasaws and Choctaws. The Cherokees on the contrary claim this tradition is theirs and that the Choctaws, Chickasaws, Creeks, and Seminoles, are offshoots of their tribe. They also assert that the dismemberment grew out of the fact of too much territory; that in attempting to cover and hold it, divisions first and separation afterwards followed. On the other hand, Captain Roman says: 'The Choctaws have told me of a hole between their nation and the Chickasaws, out of which their whole very numerous nation walked forth at once, without so much as warning any neighbor.'"

[3] Ramsey. [4] Bertram.

figure; their features regular and countenance open, dignified, and placid, yet the forehad and brow was so formed as to strike you instantly as with heroism and bravery; the eye, though rather small, was active and full of fire, the iris always black, and the nose commonly inclined to the aquiline. Their countenance and actions exhibit an air of superiority and independence. Their complexion was of a reddish brown or copper color, their hair long, lank, coarse, and black as a raven, and reflecting the like lustre at different exposures to the light. . . . The women of the Cherokees were tall, slender, erect, and of a delicate frame; their features formed with perfect symmetry, their countenance cheerful and friendly, and they moved with a becoming grace and dignity." "The Creeks[1] were described as powerful warriors, great politicians, and full of jealousy. They were a terror to the Cherokees and to the various Indian nations with whom they waged a ceaseless war." "The Cherokees,[2] in disposition and manner were grave and steady, dignified and circumspect in deportment, rather slow and reserved in conversation, yet frank, cheerful, and humane, tenacious of the liberties and natural rights of man, secret, deliberate, and determined in their councils; honest, just, and liberal, and ready always to sacrifice every pleasure and gratification, even their blood and life itself, to defend their territory and maintain their rights."

As to the language of the American Indians, they throw "no light upon his origin, except that that origin was so far remote that all attempts by this clue to establish a common centre of human creation, are utterly futile."[3] Gallatin, Duponceau, and others who have made this language the subject of profound study, find that it is of different branches, traceable, perhaps, to a single root, but primitive in its character, and differing radically from those of other continents. According to Gallatin, when the vast variety of dialects came to be compared, there were found east of the Mississippi not more than eight radically distinct languages, of which five still constitute the speech of powerful communities, and these belong to tribes that have almost disappeared. In the forms of grammatical structure and in the modes of association and of expressing ideas without regard to the meaning of particular words, the Indian tongue would seem to be the result of the instinctive impulses of the human mind to express ideas of relation, quality, and action. "No theories of derivation from the old world," says Hayden, "have stood the test of grammatical construction. All traces of the fugitive tribes of Israel, supposed to be found here, are again lost. Neither Phœnicians, nor Hindoos, nor Chinese, nor Scandinavians, nor Welsh have left an impress of their national system behind them; but the dialects of the people of the western continent, radically united among themselves, and radically distinguished from all others, stand in hoary brotherhood by the side of the most ancient vocal systems of the human race." "As the human voice articulates[4]

[1] Jones's "Antiquities of the Southern Indians."
[2] Bertram.
[3] Foster, "Prehistoric Races of the United States of America."
[4] Foster.

not more than twenty distinct sounds, whatever resemblances there may be in the particular words of different languages are of no ethnic value, but it is upon this last that many American writers have undertaken to trace the origin of the red man." "Each American language[1] was competent of itself, without improvement by scholars, to exemplify every rule of the logician, and give utterance to every passion. Each dialect that has been analysed has been found to be rich in derivatives and compounds in combinations and forms. . . . A tribe has no more been found without an organised language than without eyesight or memory. . . . It has been asked if our Indians were not the wrecks of more civilised nations. Their language reflects the hypothesis; every one of its forms is a witness that their ancestors were like themselves, not yet disenthalled from nature."

"The system of government[2] obtaining among the southern Indian nations seems in its general features to have been quite similar." There were four very important officers, and a council composed of wise or elderly men — the Mico or King, the Great War Chief, the Ancient High Priest, and the Conjurer. "The Mico was elective, and governed with the aid of a council, which convened every day in the public square. When out of the council the intercourse between the Mico and the common people was free and unreserved. The care and protection of widows whose husbands had fallen in battle or perished by disease devolved upon him; his office was for life, and the custom obtained with some tribes of sacrificing to him the first-born male child. Honors were paid to him as to a luminary only less than the sun." Colonel Hawkins, writing in 1798, describing the Creek Mico, whose crown was made of feathers, says "that he superintends all public and domestic concerns, receives all public characters, hears their talks, lays them before the town, and delivers the talk of his town. The Mico is always chosen from some one family. After he is chosen and put in his seat he remains for life. On his death, if his nephews are fit for the office one of them takes his place as his successor; if they are unfit, one is chosen from the next of kin, the descent being always in the female line. If from age or infirmity he needs an assistant, he selects him, and proposes him to the great men of the town, and if they approve, he is appointed. War was always declared by the Great Warrior, but even after a declaration, the Mico and councillors might interpose, and proceed to adjust the misunderstandings by negotiations. Peace was always concluded by the Mico and councillors. The Great War chief represented the Mico in the council in his his absence, and his voice was of the greatest weight in military affairs. His authority was independent of the Mico, and he always commanded the warriors. Subordinate to him were leaders of parties, elderly men distinguished for valor, strategy, and intrepidity, and of such were the dignified and venerable council composed. The ancient High Priest was also a person of great power

[1] Bancroft. [2] Jones.

and consequence. He presided in spiritual affairs, and no hostile expedition was ever entered upon without his counsel and sanction, and under his direction the warriors prepared themselves for each expedition by fasts and purifications. He held personal communication with invisible spirits capable of exciting a controlling influence over human plans. Through him the elements were propitiated, and his capability of forseeing the result of an enterprise was unquestioned. His power was supreme. The Conjurer was also an important person, combining in himself the offices of priest, physician, and fortune-teller. Blood-letting and sucking the parts affected was a common method of cure, accompanied by all sorts of wild gestures and posturing. But they depended more upon regimen and abstinence than medicines. The Cherokees and Creeks used herbs and roots."[1]

"The sun was worshipped by the Southern Indians as the symbol of the power and beneficence of the Great Spirit, the Supreme God or creator, the soul and governor of the universe, the giver and taker away of the breath of life. Temples were erected for sun worship, and when the celestial fire went out, the high priest alone ministering between the Great Spirit and man, could reproduce it. This he did by the vehement rubbing of two sticks.[2] They were subject to visions, dreams, trances and the malign influences of lesser spirits, which afforded for the priests and conjurors, using incantations, charms and mysterious appliances, and thus working upon their hopes and fears, credulity and superstition, to hold them in fear and subjection." Idol worship also prevailed to a limited extent. Every month had its peculiar festivals, and Adair advances the idea, from the periodicity of their festivals, that they understood the divisions of the weeks into seven days. The dead were buried with imposing ceremonies in a sitting posture, covered with deer-skins and rugs in conical or elliptical mounds, a custom abandoned shortly after the advent of the first European colonists. The Chickasaws interred the body, so soon as the breath left it, beneath the couch on which the deceased expired. Some of the Tennessee mounds afford ample proof that cremation was practiced.[3] Stone graves are also found in the Cumberland and Tennessee valleys, and burial vases with human bones. Upon the death of a high priest the entire community would unite in paying the fullest funeral honors, and heap above him the conical earth mound.

All the southern Indians were monogamous as to marriage, but comparatively little virtue existed among the unmarried women. Adultery in the man was only punished according to the wish or ability of the husband whose

[1] Jones.

[2] The Natchez had a remarkable temple, where they invoked the "Great Spirit," which was decorated with various idols moulded from clay baked in the sun. In this temple burned a living fire, where the bones of the brave were burned. Near it, on a high mound, the chief of the nation, called the Sun, resided, where the warriors chanted their war songs and held their great council fires.

[3] Haywood.

rights he invaded. In the woman it was sometimes punished with death. Their musical instruments were rude and discordant. They had cane pipes, drums emitting a muffled sound when beaten, and rattles made of small gourds or pompean shells filled with pebbles or corn, with which they made a terrible noise. They had dances for war, peace and hunting, and indeed for every occurrence of note or convocation of moment. They also had dances for special occasions. Their games were ball, at which they were very expert, foot-ball and chungke, which they played with discoidal stones. "They lived in cabins oval shaped to prevent damage by hard gales of wind,"[1] and these "had a hole at the top above the fire to let the smoke out, and they were consequently as hot as stoves. They were troubled with fleas, but were otherwise clean."

Every tribe had its own well-defined territorial limit of territory, and the boundary lines were well understood. In the public domain each Indian could travel, hunt and fish as he pleased, and all that he earned, fashioned or made was his own. The rights of personal property were respected. Every town or community, for the sake of convenience, had its own plantation, called the "town plantation," where every family or citizen had his lot of land according to desire or convenience or the largeness of his family. These lots were defined by artificial marks. The agricultural laborers were at proper seasons overlooked by a superintendent, who called the laborers to work by a peculiar and loud cry, the women in every instance following the men with provisions. The crops were gathered in the same way, each man or head of a family having his own crib in which to store his corn, but a certain portion was deposited in the public crib, at the disposal of the Mico, for destitute families or towns that might fall short of supplies. Besides the general plantation each family had a garden lot for vegetables. Widows with large families were always assisted in planting, working and gathering their crops. All the wild animals, including dogs, beavers and panthers, were used for food.

"The Indians never cooked their food[2] or ate it with salt, which nevertheless they used in large quantities, getting supplies from the rock-salt beds near the mouth of the Mississippi, and from the salt-licks of Tennessee and Kentucky, where they made it by evaporation." Among the vegetables used may be mentioned Indian corn (maize or zea), wild potatoes, ground nuts, acorns, walnuts, hickory nuts, chestnuts, pumpkins, melons, gourds, beans, pulse of various roots, persimmons, peaches, plums, grapes and mulberries. The tuberous roots of the smilax were so treated as to form a delicious jelly, and were much prized by Indian housekeepers. Tobacco was also extensively cultivated and used.

The southern Indians had also reached a degree of cunning in handicraft work that gave great promise of a higher civilisation under the stimulus

[1] Lawson, of Georgia.

[2] Captain Romain.

of better treatment at the hands of the European colonists. They made mortars and pestles for pounding corn, spoons and platters of wood, benches and seats, ornamental posts used in dancing, and large images were fashioned of wood. Pottery sun-dried and made by hand was common. They did not know of the wheel, and did not use the oven or fire. Clothing was made for protection against cold; in warm weather a breech-clout by the men and a fringe by the women was considered enough. Shawls, carpets, coverings and articles of dress were made of feathers, of buffalo, of deer and bear skins and the hides of other animals, and were woven by hand out of certain fabrics such as buffalo wool and the feathers of wild turkeys. Fishing lines and nets were made of the inner bark of trees, and convenient mats and baskets were fashioned of split canes, reeds and rushes. The shoes of both sexes were alike and made of deer skin. In winter the men wore shirts and breeches made of deer skin, often very handsomely trimmed and ornamented.

The ingenuity of the Indians found varied and interesting expression, and the Cherokees especially were famous for their pipes, necklaces made of pearl, and gold beads made by hand, axes with stone handles, spears, bows and arrows, blow guns, a very few copper implements, stone arrow-heads, and spear-heads. "The Virginia Indian women[1] spun betwixt their knees and thighs the barks of trees, a kind of grass and deer sinews, out of which they readily made a very even thread. With this thread they made garments, nets, and fishing-lines. Laboriously constructed dams and intricate weirs were employed in the capture of fish. Boats were made of the trunks of trees—'dug-outs'—by first setting fire to the tree, and then scraping away the live coals with a flint or an arrow, when having sufficiently hollowed it they set it afloat. Painting and rock-writing were common to all the tribes," "the latter,[2] no doubt, promoted by religious fervor." The art of dying was understood, and was extensively practiced. Plates of mica were used as looking-glasses and for the ornamentation of the walls of the huts and of drinking-cups. There can be "no doubt that the red race[3] arrived at a very considerable acquaintance with celestial phenomena. In Grave Creek mound, Western Virginia, stone tubes have been found, supposed to have been intended for viewing the stars, after the manner practiced by the oriental nations." It is also a well-ascertained fact that a very extensive system of trade and barter was kept up by the Indians of the North and the South, and interchanges of manufactured articles were common.

From all this it seems fair to conclude that the southern Indians were in the enjoyment of conditions of life, and under the restraints of a rude discipline quite equal to the accomplishment of the vast works or any work attributed to the so-called mound-building race. Nothing has yet been found in those mounds that would indicate habits of subordination, and constancy, and prompt-

[1] Captain John Smith. [2] Jones. [3] W. Ballaert, F. R. G. S.

Yours Truly

ness in labor superior to that essential to the work herein described. Indeed it is plain that there was a close connection between the southern Indians and the people of Mexico and Central America, who have left those curious, and some of them marvellous structures, attesting a form of semi-civilisation restricted and held in check in its growth by religious laws and customs. The mound-builders, always mythical, thus wholly disappear before the facts of Indian life, law, language, custom, and religion.[1] The argument of Foster, the strongest yet advanced, that the Indians could not have been held in subordination to construct the mounds that are still regarded with wonder, disappears before the fact that the southern Indians cultivated their lands partly in severalty and partly on the communistic basis, understood construction, manufactures, and values in trade, and were prompt in their answers to all the calls of duty, and besides had and preserved many of those things that with the white race were among the cherished beginnings of civilisation.[2]

[1] De Soto and all the early explorers noticed copper axes in the hands of southern Indians. Hendrick Hudson, when in 1609 he discovered the beautiful river that bears his name, noted especially that the Indians had copper pipes and also copper ornaments about their necks. So that the fabled mound-builders did not have the exclusive use or knowledge of copper. The sculptured faces found in the mounds of Ohio were unmistakably copies of Indian faces, though the hair was dressed differently and was adorned with pearls. Some of the heads of the dead dug from these mounds, though partially burned, yet presented the same appearance, showing that the sculptured faces were copied from life. Allen, who in his "Prehistoric World" notices all this, and who exhausted the pros and cons of the mound-builder question, says: "There is no good reason for separating them [the mound-builders] from the Indian races."

[2] Much has been written of mounds, fortifications, bones, relics, etc., usually supposed to have belonged to some half-civilised people of gigantic size, who had lived here before the Indians; but there is very little evidence to justify the supposition. . . . . It has been suggested that the Indians never built breast-works, and that these fortifications were beyond their patience and their skill. But they certainly did build palisades, frequently requiring much labor and ingenuity. When the French first reached the place where Montreal stands they discovered an Indian town of fifty huts, which was encompassed by three lines of palisades some thirty feet high, with one well-secured entrance. On the inside was a rampart of timber, ascended by ladders, and supplied with heaps of stones ready to cast at an enemy. When Samuel de Champlain, the founder of Canada, at the head of a large body of Hurons, and accompanied by ten Frenchmen, attacked the principal village of the Onondagas, near Onondaga Lake, in October, 1615, he found it defended by four rows of interlaced palisades so strong that, notwithstanding the number of his followers, the firearms of his Frenchmen, and his own gallant leadership, he was unable to overcome the resistance of the Onondagas, and was compelled to retreat across Lake Ontario. Certainly those who had the necessary patience, skill, and industry to build such works as these, were quite capable of building entrenchments of earth. In fact, one of the largest fortresses of Western New York, known as Fort Hill, in the town of Le Roy, Genesee county, contained, when first discovered, great piles of round stones, evidently intended for use against assailants, and showing about the same progress in the art of war as was evinced by the palisade builders.—*History of Buffalo, by H. Perry Smith.*

V.

IN 1772 the settlers on the Wautauga having established two churches in which the Reverend Charles Cummings preached, asserting the right of self-government, formed an association by the adoption of a written agreement, precursor of the written constitution to follow, and a governing committee of thirteen was elected: John Carter, Charles Robertson, James Robertson, Zacariah Isbell, John Sevier, James Smith, Jacob Brown, William Bean, John Jones, George Russell, Jacob Womack, Robert Lucas, and William Tatham. Five of these were appointed commissioners, by whom all controversies and all matters affecting the common good were to be decided: John Carter, Charles Robertson, James Robertson, Zacariah Isbell, John Sevier, with William Tatham (Haywood says Felix Walker) as clerk. In 1775 John Sevier, in a memorial to the North Carolina Legislature explaining this government says: "Finding ourselves on the frontiers, and being apprehensive that for the want of a proper legislature we might become a shelter for such as endeavored to defraud their creditors; considering also the necessity of recording deeds, wills, and doing other public business, we, by consent of the people, formed a court for the purpose above mentioned, taking, by desire of our constituents, the Virginia laws for our guide, so near as the situation of affairs would admit. This was intended for ourselves, and was done by the consent of every individual." It was a free and independent government, the first set up in defiance of British authority on the North American continent, resting upon a basis of consent, upon that "of every individual." The men who made it had gone over the mountains in defiance of the edict of George III., had entered into treaties with the Indians in spite of the opposition of the British Indian agents, and before Mecklenburg or Kentucky or the United Colonies had declared for liberty, established a government on the basis of individual consent, thus anticipating Jefferson by four years. It was a simple form of government, which though as to horse thieves and murderers summarily and firmly administered, was moderate and sufficient, and satisfactory for a number of years.

"Early in this year (1772) the authorities of Virginia made a treaty with the Cherokees, by which a boundary was fixed between them, to run from the White Top Mountain in latitude 36° 30′. Soon after this Alexander Cameron, a deputy agent for the government of Great Britain, and resident among the Cherokees, ordered the Wautauga settlers to move off. Some of the Cherokees expressed a wish that they might be permitted to stay, if they would agree to make no farther encroachments; this avoided the necessity of their removal. The inhabitants, however, became uneasy at the precarious tenure by which they occupied their land, and desired to obtain a more permanent title. For this purpose they deputed James Robertson and John Boone to negotiate with the Indians for a lease. The negotiation succeeded, and for an

amount of merchandise estimated to be worth $5,000 or $6,000, some muskets, and other articles of convenience, the Cherokees made a lease for eight years of all the country on the waters of the Wautauga."[1] About this time a settlement was formed on both sides of the Nollichucky.[2] Here Jacob Brown, of North Carolina, with one or two families fixed his abode. He also bought a lease from the Cherokees. Carter's Valley was also settled at this time by two emigrants named Carter and Parker, who were accompanied by other families from Virginia, who also had the consent of the Indians. These three settlements — Robertson's (Wautauga), Carter's, and Brown's were the nucleus of the future State of Tennessee, and their affairs were managed with tact, ability, and discretion, dignity and fairness in dealing with the aboriginies. An instance of this was furnished by Robertson, who made by himself a journey of one hundred and fifty miles to the chief town of the Cherokees to assure them of the intention of the settlers to punish a white man for wantonly and without provocation murdering an Indian, who was present as a spectator at a race that was run after the treaty of the Wautauga had been agreed to. The Indians were satisfied of the good and peaceable intentions of the white people from Robertson's representations, and a general massacre was thus avoided. In 1773 Daniel Boone, accompanied by his family and some hunters, attempted to enter Kentucky by way of Cumberland Gap, but was driven back to the nearest settlement, and there remained until the close of Lord Dunmore's war. A more hazardous enterprise, however, proved a signal success. A party of emigrants, anxious to avail themselves of the encouragement offered by the English government to settlers to occupy the recently acquired territory in Florida, built a boat, and in it made the dangerous voyage down the Tennessee, the Ohio, and the Mississippi to Natchez, encountering not only the difficulties of navigating rivers they knew nothing about, but also running the gauntlet of the Indians, who occupied their banks. Nothing more hazardous than this establishment of the first Anglo-American settlement on the Mississippi was attempted in those days of adventure. In 1774 what is known as Lord Dunmore's war was brought about by the refusal of the Shawnee Indians to permit surveying parties from Virginia to select and locate royal grants of land and others by military warrant. The Indians had initiated their work of massacring the settlers by the attack on Boone and his companions, already alluded to, and had continued it at intervals, and whenever they could prosecute it with the least danger to themselves, by waylaying prospectors, surveying parties, and hunters. The wilderness that was trackless and unknown to the white man, was well known to them — every stream, river, mountain, gap, valley, and tangled path; and unhampered by any impedimenta or "plunder,"

[1] Ramsey.

[2] A corruption of the Indian name Nonachunah, which means rapid or precipitous. This is the name given in Brown's deed.

as the settlers called the few wares they packed on horses from the Atlantic, they were able to travel faster, and thus frequetly to anticipate the little parties of white people who were adventuring all of life and property in attempts to better their condition.

Lord Dunmore, governor of Virginia (1774), determined to put a stop to the predatory and harassing methods of warfare pursued by the vigilant Indians and assure peace and security to the brave pioneers. He accordingly instructed General Andrew Lewis—the same who constructed Fort Loudon in 1756—to raise four regiments and force the Indians to terms. This he did with remarkable celerity, and by the 11th of September the little army was on the march through the picturesque and rugged defiles of the Kenhawa, and at the end of twenty-five days reached the Ohio at the point where the modern town of Point Pleasant stands; and there, on the 16th, was fought the very decisive and very desperate battle of Kenhawa. The Indians were routed after a whole day's hard fighting, and fled across the Ohio, glad to obtain peace upon the surrender of all title to the lands south of the Ohio. One of the companies conspicuous in this army of General Lewis was that of Captain Evan Shelby;[1] his son, Isaac Shelby, afterwards to become celebrated in the

[1] General Evan Shelby died December 4, 1794, aged seventy-four years, and was buried on a piece of ground long ago taken for public purposes by the town of Bristol, on the boundary line between Tennessee and Virginia. Over his grave an iron slab was erected, bearing his name and the date of his death, and his age, which now may be seen just within the gate of the cemetery at Bristol. A writer in the Louisville *Courier-Journal* tells: "Twenty-five years ago I went to school within a few yards of Shelby's grave. It was under a clump of native oaks (fit monument of the hero), and many a time have I sat on his grave and pictured to my mind the wild scenes of his eventful life. The little rough log house where he lived and died stood on a hill near by, bullet-scarred and defaced, with its great, yawning, iron-back fire-place, large enough for half a dozen of us children to stand in. I remember the stories an old half-breed Indian used to tell us of this warrior-brave, how he built a fort across Beam Creek, just below the school-house, for the safety of the women and children, while the men drove back the old red-skins. Ugh! how the cold shivers ran down our little backs as we heard in imagination the war-whoop of the beastly Cherokees. It was a story of the youth of General Shelby, nearly 150 years old when told, but it stirred our young blood and opened our eyes with wonder and admiration. When the borders of Bristol were enlarged, streets were opened through the little burying-ground, and the iron slab and a 'handful of dust' were transferred with other remains to the then new cemetery. The grand old oaks that kept sentinel over those who, like themselves, had stood the storms of so many winters, were cut down, and busy, heedless feet ply daily over the spot where the hero was first laid to sleep. Perhaps it was the family burying-ground. Who can tell? History says very little about him. History tells us that Isaac Shelby was born in Maryland, was a surveyor in Western Virginia, lieutenant at the battle with Indians at Mt. Pleasant, Va., 1774; captain of a military company in 1776, and appointed commissary in 1777; elected to the House of Delegates of Virginia in 1779, and commissioned major by Governor Jefferson, and the following year made colonel. He distinguished himself at the battle of 'King's Mountain,' and in 1780 received for his bravery a vote of thanks and a sword from the Legislature of North Carolina, to which he was chosen a member in 1781. He afterward settled in Kentucky, and was twice governor, in 1792–96, and again in 1812–16. With 4,000 Kentuckians he aided General Harrison at the battle of the Thames, and received

annals of Kentucky as well as of Tennessee, being a lieutenant. John Sevier and James Robertson[1] were privates in that company. It was by their enterprise and bravery that the Indians were prevented from surprising and massacring the army. "Thus early," says the patriotic and venerable Ramsey, "did the 'Volunteer State' commence its novitiate in arms." Before the close of the year, which along the Atlantic coast was full of anxiety to the people on account of the encroachments upon their rights and liberties by the British Government, Charles Robertson procured from the Cherokees a deed in fee for the lands occupied by the Wautauga settlers, and thus relieved them of the fears of being dispossessed at the expiration of their lease, which was to run eight years. But this did not assure them undisturbed possession. The Indians were greatly embittered by the steady encroachments of the white race, and notwithstanding these peaceably-obtained commissions, had a lurking purpose of revenge, and for many years after continued to contest every foot of the soil thus wrenched from them. Until long after the Revolutionary War and the organisation and admission of Tennessee to the Union of States, the Indians continued to resist the advance of the white man and made every trail one of blood, every house, spring and ford a scene of massacre or bloody contest.

The wife stood sentinel,[2] rifle in hand, while the husband plowed the field,

a gold medal from Congress. It is learned from a private manuscript of 1780 that Colonel Isaac Shelby, father of Evan, from Sullivan county, North Carolina, with 240 men; Colonel William Campbell, of Washington county, Virginia, with 400 men, and Lieutenant-Colonel John Sevier, of Washington county, North Carolina, with 240 men, assembled at Watauga on the 25th of September, four years from the date of the long letter, and began their march to 'King's Mountain,' where Colonel Shelby distinguished himself. 'One Cæsar lives; a thousand are forgot.' What we can glean from the life of the old frontiersman, General Evan Shelby, is almost legendary. The time-worn iron slab tells no tale of glory or honor, with its simple inscription, dates of death and age. But the bullet-holes in the old log cabin testified to his hard-fought battles, and were a monument to his memory while it stood."

[1] On the farm of Mr. James Patterson, in Hamblen county, there stands a monument over the grave of James Robertson. The monument is of limestone and covered with moss. The inscription reads: "Killed by Indians, 1774." Tradition says that after being shot he rode half a mile to the spot where he is now buried, and could go no further. Substituting the blood flowing from his wound for ink, and his finger for a pen, he wrote upon the smooth bark of a beech-tree: "Killed by the Indians at Butcher spring," and at the foot of that tree his body was found and buried.

[2] Judge Jo. C. Guild, in his "Old Times in Tennessee," tells of the attack of the Indians on Greenfield Station, which was attacked by two hundred Indian warriors, and by a gallant move of General Hill, Billey Neeley, Morgan, Campbell, and the negro Abram, in leaving the stockade and occupying a position covered by a cross-fence, opened fire on the advanced foe; and while thus engaged in keeping back the Indians our pioneer mothers kept up a constant fire from the fort, which caused the Indians to believe that the pioneers were in full force, and after many a warrior had been sent to the happy hunting-grounds, and many others wounded, they gave up the contest and retreated. History does not record greater heroism than was displayed by the intrepid men and women in this desperate battle. By their courage and dauntless daring they saved the stockade from being sacked and those in it from a horrible

and at public meetings or religious services the trusty rifle was always ready. Trained in this spirit of self-reliance, these pioneers were true sons of liberty, self-made republicans, opposed to all forms of tyranny and all methods of

butchery. Women played an important part in the settlement of Tennessee. To Nancy Ward, an Indian, the settlers were indebted for more than one warning of impending massacre, and for personal interference to save the lives of pioneers or hunters. The wives of the settlers shared all their hardships and most of their dangers. In the journal of Colonel Donaldson, recounting his adventures on the way to the French Lick, we read of the wife of Ephraim Peyton giving birth to a child in a deserted Chickamany town where the party had landed to camp for the night, the weather being so severe that the day before a negro man died from gangrene, the result of frost. The day after this heroic woman — her child having been accidentally killed — helped Mrs. Jennings and a negro woman to unload a boat to get it off the rocks in the face of a fire from the Indians — a fire that drove Mrs. Jennings's son and a negro man to fly demoralised. Their clothes were very much cut by bullets, and they suffered from wet and cold, as they had to stand in the water, the weather, as stated, being intensely cold. Then there is the story of Mrs. McEwen, afterwards the wife of the Reverend S. Doak, D.D., who, when the Indians attacked Houston Station, got the bullet-moulds and made bullets for different guns. While thus engaged the bullet from an Indian gun, rebounding from the wall which it struck, rolled upon the floor, when she hastily snatched it, and melting and moulding it quickly, she carried it to her husband and said, "Here is a ball run out of the Indian lead; send it back to them as quick as possible; it is their own; let them have it in welcome." The story of Mrs. Gillespie, who, when her house was filled with Indians, went to the door and cooly called, "White men, come home; come home, white men; Indians! Indians!" and by this ruse succeeded in driving them away, so that she had time to take her child in her arms and take the track she knew her husband was travelling on his way home, and so made her escape, saving her own life and that of her child's. Mrs. Dunham, when Mansco's Lick Station was attacked in 1781, went boldly out to rescue her little daughter, whom the Indians had scalped, and though herself severely wounded, survived with the child for many years. In 1792 some Indians attacked Colonel Campbell while plowing in his field near Campbell's Station. His wife, hearing the report of the guns, barricaded the door of the house, took the rifles from the rack and waited at the portholes for the approach of the Indians. On the men approaching she handed out the rifles, and the Indians were pursued but not overtaken. On the night of the 25th of May, 1795, Mr. Mann's house, within twelve miles of Knoxville, then the capital of the Territory, was approached by some Indians, and going out to ascertain the cause, he was shot and ultimately killed. Mrs. Mann, hearing the retreating footsteps of the Indians as they followed her wounded husband to intercept his escape, barred the door and sat down in breathless suspense, her sleeping children round about her. But the Indians returning, she seized a rifle, and as they broke in the door and were entering, she shot the foremost dead and wounded the second, when the others retreated, taking their wounded companion with them. Had she uttered a word the Indians, with their well-known contempt of women, would no doubt have massacred her and her children. The noble response of Mrs. Creswell to her husband's question, whether they, with a few men, their guests, should defend their home or run the gauntlet of the Indians, try and reach McGaughey's Station, is an example of the spirits of the mothers of Tennessee. She replied she preferred to die at home. The house was, of course, successfully defended. These are only examples of the heroism of the women who helped to found the State, and who moulded the men who successfully established it and carried on its affairs. Mothers and daughters were constantly liable to the knife and the tomahawk of the Indian, and the list of massacres and the captivities of the women and children would alone fill a large volume. They cheered the men, made homes and gave life nearly all the value it had for the pioneers to whom we are indebted for examples of daring and endurance that can never perish.

exaction. The officers of Lord Dunmore's army represented this spirit in the resolutions they adopted before disbanding, and in view of the call for a continental congress to concert measures for the common interests of the colonies whose liberties had been invaded by the closing of the port of Boston, because the tea had been thrown into the harbor by the citizens, who were not too enervated by the refinements of city life to be at one with the hardy men who were maintaining peace with their rifles on the banks of the faraway Holston, Nollachucky, and Wautauga. These officers

Resolved, That as the love of liberty and attachment to the real interests and just rights of America outweigh every other consideration, they would exert every power within them for the defence of American liberty and for the support of her just rights and privileges, not in any precipitous, riotous or tumultuous manner, but when regularly called forth by the unanimous voice of their countrymen.

It will be remembered that Evan and Isaac Shelby were among these officers, and that in signing that resolution they were acting for the men who followed them, and with whom they were yet to fight through many trying campaigns. Thus Tennessee was represented in the initial movements of the Revolutionary War. This pledge of service was soon to be redeemed. The Continental Congress was called together for the second time on the 10th of May, and unanimously elected George Washington commander-in-chief. The battle of Lexington had been fought, and the garrisons, forts, and arsenals been seized in the name of the people, and an irreconcilable issue with the mother country had been made. General Washington was personally well known to many of the pioneers of Tennessee, who had served with him under Braddock on the banks of the Ohio, and they honored him for the possession of all the qualities of courage, coolness, self-restraint, and dignity, so essential in a commander-in-chief. They knew him so well that about this time they changed the name of the settlement from Wautauga Association to Washington District, the men of the Wautauga Settlement being thus the first to honor the man who was to become immortal as the "Father of his Country."

The people of Mecklenburg county, N. C., on the 19th of May, 1775, declared their independence of Great Britain, and on the 20th of August the Provincial Congress of that State called together in place of the provincial assembly, which had been prorogued by the royal governor, who had fled in terror to the safety of a man-of-war in Cape Fear River, declared the province free and independent, and substituted for the royal government one resting entirely upon the consent of the governed, and nothing "but the idle and vain theory of allegiance to the throne was left to remind the people of the recent origin of their power." A second meeting of the Provincial Congress, held on the 4th of April, 1776, passed resolutions instructing their delegates to the Continental Congress to urge for a declaration of independence, and form foreign alliances, thus anticipating the Declaration of Independence by

nearly six weeks. Money was provided and troops were pledged for the service of the colonies, and subsequently a constitution was adopted, and the State of North Carolina was born. In August, 1776, the members of the Committee of Thirteen, and the settlers, made a formal report of the history of all of their transactions to the Provincial Congress of North Carolina, which advised the petitioners, who, in this report, prayed for recognition to send forward their delegates, which they soon after did, as from "Washington District, Wautauga Settlement," which was thus annexed to that State, and these delegates, John Carter, John Sevier, Charles Robertson, and John Haile, sat in the congress that adopted a bill of rights and a state constitution, the former containing a clause to the effect "that it shall not be so construed as to prevent the establishment of one or more governments westward of this State, by the consent of the legislature," thus recognising the possible future of Washington district, and no doubt by the efforts of its delegates. As early as August, 1775, Alexander Cameron, an officer in a Highland regiment of the British army, was sent to the Cherokees to organise them against the people of the frontier, and prevent them from giving either aid or comfort to the people of the colonies. Later by a few months, and early in 1776, John Stuart, the superintendent of the Southern Indian Affairs, received his instructions from the British War Department, and immediately sent deputies among the several tribes for the same purpose. But the settlers had friends among the Indians, one of whom, Nancy Ward, was particularly zealous in sending word to them, so that they had plenty of time to prepare. This news, and the killing by the Indians of a man named Boyd, had the effect of uniting and harmonising the people of the several stations, some of whom were recent arrivals, who had fled from Virginia and North and South Carolina to escape the obligations of the test oaths, which the committees of safety and town meetings were insisting upon, that they might know who were for and against the war for liberty. The cold-blooded preparations for massacre were more than even these could stand, and the result was the unanimous determination of all to make common cause and volunteer for the common defence. Companies were at once formed, and the stations were all put in a condition of defence. Five of these, under Captain Thompson, marched to Heaton's Station, where, on the 20th of July, 1776, sixteen days after the proclamation of independence, they boldly encountered the Indians to the number of four hundred, and after a few hours' hard fighting, much of it of the hand-to-hand order, defeated and routed them, having only five of their number wounded, all of whom recovered. Captain Thompson, on this occasion, deployed and maneuvred his men with the coolness, skill and discretion of a veteran. Colonel Isaac Shelby, who was present as a volunteer, rendered much valuable service. The next day, the 21st, Captain James Robertson, with a small force, augmented by the garrison from Gillespie's Station, successfully resisted an attack in force by the

Indians under the chief known as Old Abraham of Chilhowee. Lieutenant John Sevier was present at this affair, and was conspicuous for service. He volunteered to go to the succor of supposed captives, whose screams, under torture, could be heard in the fort. Though closely besieged, Captain Robertson managed to get a message to Holston for reinforcements, and Colonel Russell, with one hundred men, set out, and encountering a party of Indians by the way, defeated them with heavy loss, arriving in time to succor the besieged and save them.

VI.

BUT the settlers were not satisfied with these victories. They determined themseves to take the initiative, and accordingly two forces of several hundred each were formed, one under command of General Rutherford, and the other under Colonel Christian, whose operations were so successful as to utterly break the hope of the British incendiaries and Indians of ever effecting their purpose. These expeditions were admirably planned, that under Colonel Christian especially. He penetrated the Cherokee country to the very centre and chastised them severely, killing great numbers of their warriors, burning many of their towns and laying waste their fields. This was regarded as one of the most successful military enterprises of the time, and in proportion as it crushed and broke the spirit of the Indians, gave heart and hope to the pioneers. Colonel Christian and General Rutherford were greatly aided by Colonel Evan Shelby and Major Anthony Bledsoe, who, with a regiment of four hundred men stationed on the southwestern frontier, held the Cherokees in check. But their national pride being humbled and their martial spirit subdued, the Cherokees made overtures for peace, and two treaties were made, one by commissioners from Virginia and North Carolina, and the other by commissioners from Georgia and South Carolina. In the language of Haywood, the consequences of these victories and treaties were "of more importance to the western inhabitants, otherwise than the destroying of a number of their influential and most vindictive enemies, and lessening the hostile spirit of the Cherokees, they induced a concord and union of principle to resist the tyranny of the British government; they attracted the favor and attention of the new commonwealth; it inspired military ideas and a contempt of danger from our savage enemies. The inquiry afterward, when in search of Indians, was not how many are there? but where are they to be found? This spirit was kept up and often displayed itself on several occasions during the Revolutionary War." "A flood of emigration followed to strengthen, build up and enlarge the little community already planted across the mountains." In 1777 the General Assembly of North Carolina formed Washington district, Wau-

tauga Settlement, into a county by the same name, assigning to it the boundaries of the whole of the present State of Tennessee, and John Carter was commissioned colonel and assigned to the command of all the militia within its borders. "No frontier community," says Ramsey, "had ever been better governed than the Wautauga Settlement. In war and in peace, without legislation of judicial tribunals, except those adopted and provided by themselves, the settlers had lived in uninterrupted harmony—acting justly to all, offering violence and injury to none. But the primitive simplicity of patriarchal life, as exhibited by a small settlement in a secluded wilderness, uncontaminated by contact with the artificial society of older communities, was forced to yield to the stern commands of progress and improvement. The hunter and pastoral stages of society were to be merged into the agricultural and commercial, the civil and political." An enterprise of as great moment as the building of a railroad would now be, was the the construction of a wagon road into North Carolina, and in the succeeding year Jonesboro (called after the Hon. William Jones, of Halifax, N. C.) was laid off, and was, by authority of North Carolina, constituted the seat of justice for Washington county. A land-office was opened, and sales were made on such easy terms as greatly to encourage immigration, and the consequence was a fresh influx of settlers. "The facility for taking up the choice lands of the country induced great numbers of persons, principally those without means, to emigrate to the frontier. A poor man with seldom more than a single pack-horse, on which the wife and infant were carried, with a few clothes and bed-quilts, a skillet and a small sack of meal, was often seen wending his way along the narrow mountain trace, with a rifle upon his shoulder, the elder sons carrying an axe, a hoe, sometimes an auger and a saw, and the older daughters leading or carrying the smaller children. Without a dollar in his pocket when he arrived at the distant frontier, the emigrant became at once a large land-owner. Such men laid the foundations of society and government in Tennessee. They brought no wealth with them, but what was far better, they had industrious and frugal habits; they had hardihood and enterprise and fearlessness and self-réliance."[1] There were no aristocrats among them. They were all alike poor but honest people, on the same level, with a common purpose of individual advancement and commercial independence, and the State they founded attests the fidelity that characterised them.

In organising Washington county all the powers that had been lodged by the people in the Committee of Thirteen were assumed by the County Court, which dealt with all disloyal persons in a summary way, confiscating their estates and visiting them with quick, and in nearly all instances, well-deserved punishment. Three commissioners were appointed to take charge of and gave bond to account for confiscated estates, and Valentine was appointed sheriff.

[1] Ramsay.

The justices and militia officers of the new county, in February, 1778, took the oath of office and organised the new county and its courts. The first written instrument, paper or record authoritatively made in the organisation of what is to-day the judicial, political, civil and military existence of the State of Tennessee is in the county clerk's office in Jonesboro, and is in the words and figures following:[1]

"February Court, 1778. The oaths of the Justices of the peace melitia & for officers There Attestments &c, Washington County.

"I A. B. do solemnly swear that as a Justice of the peace, and a Justice of the County Court of pleas, & Quarter Sessions in the County of Washington, in all articles in the Commission to me directed. I will do equal Right to the poor and to the Rich to the Best of my Judgment and according to the Law of the State, I will not privately or Openly by my-self or any other person, be of Council in any Quarrel, or Suit, depending Before me, and I will hold the County Court, and Quarter Sessions of my County, as the Statute in that case shall and may direct. The fines and amerciaments that shall happen to be maid and the forfeitures that shall be incurred I will cause to be duly entered without concealment. I will not wittingly or willingly take by myself or any other person, for me any fee, gift, gratuity or reward whatsoever for any matter or thing by me to be done, by virtue of my office, except such fees as are, or may be, directed or limited by statute, but well and truly I will do my office of a Justice of the Peace as well within the County Court of Pleas and Quarter Sessions as without. I will not delay person of common right, by reason of any letter or order from any person or persons in authority to me directed, or per any other cause whatever, and if any letter or order come to me contrary to law I will proceed to enforce the law, such letter or order notwithstanding. I will not direct, or cause to be directed any warrant by me to be made to the parties. But will direct all such warrants to the Sheriff or Constable of the county or other officers of the State or other indifferent person to do execution thereof, and, finally, in all things belonging to my office, during continuation therein, will faithfully, truly and justly according to the best of my skill and judgment do equal and impartial justice to the public and to individuals, so help me God. James Robertson, Valentine Sevier, John Carter, John Sevier, Jacob Womack, Robert Lucas, Andrew Greer, John Shelby, Jr., George Russill, William Penn, Zacr. Isbell, John McNabb, Thos. Houghton, William Clark, John McMaihen, Benjamin Gist, J. Chisolm, Joseph Willson, William Cobb, James Stuart, Michael Woods, Richard White, Benjamin Wilson, Charles Roberson, William McNabb, Thos. Price, Jesse Watson."

But notwithstanding this court, its vigilance and severity, the people were forced to summary measures to prevent the depredations of small parties of Indians, and of white men outlawed because of their crimes. Two companies of cavalry were organised to patrol the settlement as far as the Indian frontier, and on the 10th of April, 1779, Colonel Evan Shelby and Colonel Montgomery,[2] with two regiments, one of three hundred and fifty and one of one hundred fifty men, went down the Holston and the Tennessee to the Narrows, where they fell suddenly upon the Chickamauga Indians, a band of Cherokees who declined the treaty with Colonel Christian, and a number of white bandits who had formed settlements, and had grown rich by the murder and robbery of emigrants on their way to the settlements at Natchez, or as it was called, West

[1] The Hon. John Allison's address to the Press Association of Tennessee, July 13, 1887.

[2] He had served the year before under General George Rogers Clarke, in the Illinois country, commanding four companies raised in the Holston settlements.

Florida. These ruffians made their principal rendezvous at Nickajack Cave, a gloomy cavern, difficult of access and situated in a wild and romantic country. Colonel Shelby destroyed eleven towns, captured 20,000 bushels of corn and a supply of stores and goods valued at $100,000, which had been provided by King George's agents for distribution to the Indians, at a general council called by Governor Hamilton, of Detroit, to be held at the mouth of the Tennessee. Colonel Evan Shelby also, by this swift and sudden attack, broke up the arrangements of the same Tory governor for a concerted movement against the settlements. For this very effective expedition Colonel Shelby was made a general in the militia of Virginia, which State he had served as a captain under Braddock, and had led the advance at Fort Du Quesne, under General Forbes. Early in the spring of 1779 James Robertson, the father of the Wautauga Settlement, and one of the bravest, coolest and most diligent of its leaders and officers, accompanied by a small company, left the parent hive, and crossing the Cumberland Mountains, penetrated the wilderness and pitched his camp at the French Lick,[1] and planted a field of corn where the city of Nashville now stands. A negro man—the first we hear of in the annals of Tennessee—was of this company, which was shortly after joined by a number of others. conducted by Mansco, who had ten years before visited, explored and hunted in that country. They cleared land and planted corn, preparatory to the removal of their families in the succeeding autumn. Captain Robertson went to Illinois and procured cabin rights, and after the crops were made Overhall, White and Swanson were left to keep the buffalos out of the unenclosed fields of corn, while the rest of the party returned for their families. The statements made by these returned emigrants to the people of the settlements as to the richness of the lands on the lower Cumberland, had the effect of inducing large numbers to remove to Mansco's Lick. A party, under John Rains, was thus induced to accompany Captain Robertson on his return, and they were joined by others to the number of from two to three hundred, some of them taking domestic animals with them. The weather was very severe, and what with the delays incident to travel in a new country, the emigrants did not reach the settlement at French Lick until the beginning of 1780. Snow had fallen early in November, and the Cumberland was so frozen over that it served as a highway for the weary travellers and

[1] As will be remembered by the reader, M. Charleville, a French trader, was the first white man known to have visited French Lick. He established a store there in 1720. Mansco followed him, and visited and hunted in the vicinity in 1769. Captain De Mumbrone, in 1775, also hunted there and thereabouts, for some time, and on a second visit, in 1777, encountered a party of six white men and one white woman, near where Palmyra now stands. In 1776 Thomas Sharp, Spencer and others, went to the Cumberland and built a number of cabins, and in 1778 a settlement of less than a dozen families was formed near Bledsoe's Lick, where the first plantation in Middle Tennessee was laid out; but Robertson's is accounted the first permanent settlement in Middle Tennessee.

their train. Block-houses and stations were at once erected, the fields were enclosed and the settlement put in a condition of defence against the Indians, the settlers in May forming what was known as the Tribunal of Notables, in which eight stations had representation: Nashborough, Mansco's, Bledsoe's, Asher's, Freeland's, Eaton's, Fort Union, and Stone's River. These notables were elected by the people and were sworn to do equal and impartial justice between all contending parties; were empowered to settle all controversies relative to the location and improvement of land and all other matters and questions of dispute among the settlers, protecting the reasonable claims of those who may have returned for their families; providing implements of husbandry and food for such as might arrive without such necessaries; making especial provision for widows and orphans where husbands or fathers may die or be killed by the Indians, guaranteeing equal rights, mutual protection and impartial justice, pledging themselves most solemnly and sacredly to promote the peace, happiness and well being of the community, to suppress vice and punish crime. The people, to the number of two hundred and fifty, signed their names to these articles, James Patrick being the only one of the whole number who was compelled to make his mark. They agreed and covenanted, "obliging themselves," to conform to the judgments and decisions of these officers in whom they had vested the powers of government. In December, a few weeks after Robertson and his company had left the Wautauga Settlement on his return to the French Lick, Colonel John Donelson adventured from Fort Patrick Henry, near Long Island, with a large party, among them Mrs. Robertson and other women, for the same place by the Holston, the Tennessee, the Ohio and the Cumberland Rivers. After many hardships and frequent encounters with the Indians, he arrived at his destination in April of 1780, and met with a warm welcome from Robertson and his companions. Just a month before this event, which was as hazardous[1] as the first settlement at Wautauga, Sullivan county (so named after General Sullivan of New Hampshire), was organised, and Isaac Shelby, one of the justices, exhibited his commission from Governor Caswell as colonel of militia, and David Looney that of major. Thus the processes of settlement and organisation were being pushed, when a call from Georgia, North and South Carolina reached the settlements; a cry of distress from their countrymen who were being sorely pressed by the British and the Tories. Responding to this call, the militia of Washington and Sullivan counties were called out, and under Colonels Isaac Shelby, Clarke and Williams, promptly entered upon the service of driving back the invader, who was pushing his columns to the frontier with a view to a junction with the Indians, a general massacre of the settlers and the ruin of the settlements. Their first decisive engagement was that of the

[1] Donelson's Journal, which is given in full in "Ramsey's Annals of Tennessee," is a simple, pathetic and thrilling story of this adventure, bravery and endurance, that brings out in thrilling colors the encounters and hardships of the pioneer settlers of Tennessee.

Enoree, after which followed many skirmishes, leading up to the very decisive, well-planned and bravely fought battle of King's Mountain, which lasted only an hour, but resulted in the loss to the enemy of 225 killed, 180 wounded, 700 prisoners, 1500 stand of arms, and a great many horses and wagons loaded with supplies and booty of every kind, taken from the wealthy Whigs by the plundering Tories. The loss of the Americans was about thirty killed and sixty wounded. General Barnard, of the U. S. Engineer Corps, and an old campaigner under the first Napoleon, said that the "shape of the hill itself would be an eternal monument of the military genius and skill of the British commander, Colonel Ferguson, in selecting a position so well adapted for defence, and that no other place of assault but that pursued by the mountain men, could have succeeded against him." The battle of King's Mountain was one of the most signal and important of the war. It saved the western settlements from possible ruin and increased the confidence of the settlers and pioneers to defend themselves, even against well-organised and skillfully commanded troops. "The whole enterprise reflects the highest honor upon the patriotism that conceived and the courage that executed it. Nothing can surpass the skill and gallantry of the officers, nothing the valor of the men who achieved the victory." "The cloud that had, till the fall of Ferguson, hung over the whole South and enveloped the country in gloom, was dispelled, and from that moment the American cause began to wear a more promising aspect."[1] It compelled Lord Cornwallis to retreat in confusion back to Ninety-Six from his threatened conquest of the Carolinas and Virginia, and gave General Gates time to gather another army, with which he subsequently operated successfully against the enemy. Both Colonels Isaac Shelby and Sevier were highly honored for this victory, the State of North Carolina presenting each of them with a sword and a pair of holster pistols.

On the return march of the army to their homes, Sevier, fearing that the Indians would take advantage of the absence of so large a body of men, detached Captain Russell's company, with orders to make rapid marches, which he did, and on reaching the settlements found that Sevier's apprehensions were justified. He found that a large force of Cherokees were on the march to assail the settlements. Colonel Sevier, following after Russell with all possible expedition, on realising the condition of affairs, lost no time in taking the field, and the result was the battle of Boyd's Creek (1780), considered one of the best fought battles in the border wars of Tennessee. This was followed, and quickly, by other affairs, and in March of 1781, by the affair at Tuckasejah, on the head waters of the Little Tennessee, and that at Indian Creek, in April of that year. But these signal triumphs did not end the services of the volunteers of the Wautauga. They went down into the "Lower Country" and cooperated with General Marion along the line of the Santee and Edisto until

[1] Ramsey.

1782. The pioneers of Tennessee were thus incessantly engaged in the field from 1774 until January of 1782. They encountered Indians, Tories, and British regulars with unvarying success, and never relaxed so long as there was an enemy in the field. The extent of their campaigning may be gathered from the experience of one of their most intrepid commanders, General John Sevier, who, when closing his military career with the Etowah campaign against the Creeks and Cherokees, counted the closing battle of it as his thirty-fifth in twenty years of almost continuous service. The troops on the return from South Carolina were followed by a great many emigrants, who pressed forward and encroached upon the territory of the Indians,[1] and the result was angry disputes and murders, which made it necessary for Colonel Sevier again to take the field, and after the destruction of many towns and the loss of many lives another peace was agreed to at Chota, on the Tennessee River, and the troops returned to their homes. In August of 1782 a court of Oyer and Ter-

[1] Many of the difficulties of the settlers arose from the loose method of dealing with the Indians, the making of treaties, securing terms of peace, effecting leases of lands, and purchasing territory. At one time the British king's commissioner was the one person authorised to deal with the Indians. He was succeeded by commissioners appointed at various times by North Carolina, but, independent of these, the pioneers and settlers were continually making terms of peace, now through Sevier or Robertson, or others of their representative men, and now by lease or purchase by these same persons, or by individuals, or by the leaders of new colonies. By these terms of peace the Indians usually stipulated to stay the steps of the white man. But they would not be stayed. The white men who made the treaties generally meant well enough, but they could not restrain those who were coming behind them, and who eventually pushed beyond, and by that act, in the Indian's estimation, violated the treaty or the lease, or both. In this way skirmishes and wars and personal conflicts with the Indians were incessant, and many useful and valuable lives were lost. But considering the times, the condition of the country, growing out of the war for independence, the absence for years of anything like authority other than that derived from the consent of the settlers themselves, it is surprising that this loss was not greater, and that the settlement of the county, from the Holston down to where Knoxville now stands, was accomplished in less than twenty years. It speaks volumes for the capacity of men for self-government that the hardy pioneers of Tennessee, illiterate as most of them were, established law and justice as they built their cabins, and voluntarily banded together in military companies for the common defence and under leaders of their own choosing. A case in point is furnished by Sevier county, which was organised and settled by authority of the government of the State of Franklin. When that government collapsed, the State of North Carolina refused to ratify the acts of the legislature as lawful, and Sevier county was held to be Indian territory over which North Carolina had no jurisdiction. The people were thus left to shift for themselves and protect themselves against the Indians, who held them to be trespassers. By voluntary association, however, they managed to live peaceably and prosperously till, in 1790, the whole country was ceded to the United States. Another instance of unauthorised Indian treaties was the celebrated "Transylvania Purchase," made by Richard Henderson & Co., of North Carolina, in 1775. For ten thousand dollars paid in goods this company bought from the Cherokees all the lands between the Cumberland and the Kentucky Rivers, and to it gave the name of Transylvania. Much of this they sold to settlers whose claims came in conflict with the sovereignty and rights of North Carolina. But the matter was finally settled in a way that saved the settlers and satisfied the State.

miner and General Jail Delivery was provided by an act of the Legislature and was organised at Jonesboro for Washington and Sullivan counties. This was done on account of "the extensive mountains that lie desolate between the inhabited parts of Washington and the inhabited parts of Berkes counties." Spruce McCoy was appointed judge of the court, Waightstill Avery, attorney for the State, and John Sevier, clerk. This was a step far in advance of any that had hitherto been made towards the ultimate of state government, to which the eyes of the people were turned, and which in a short time they were to organise. There was still, however, occasionally trouble with the Indians, arising in some instances out of personal difficulties with brawling white men, but more frequently on account of the thefts and murders perpetrated by marauding Indians. But there were no more Indian wars. The very decisive affair at Boyd's Creek, and the last at Estanaula, or Oostenalla, which ended in the peace of Chota, and increasing populations of the Wautauga and other settlements, warned the Indian of his fate in case he made any attempt to recover lost ground or again seriously contest the advancing wave of immigration, which, in the autumn of 1783, was greatly strengthened by soldiers and officers of the Continental line of North Carolina, armed with scrip and land warrants, looking for permanent and eligible locations. Greene county was organised and named in honor of General Nathaniel Greene, and in August a Court of Pleas and Quarter Sessions met for the transaction of business. The Revolutionary War had closed and peace had been declared. Settlers poured in in a constant and steady stream, and the frontier was pushed westward with astonishing rapidity. The compact and well-organised methods of leases, purchases and treaties, which had served the infant settlement so well, were no longer necessary, but the settlers favored the plan of community settlement. It was nothing more or less than the colonising plan of the forefathers on the Atlantic coast, and was found to answer all the purposes of good government and safety. The people, under the stimulus of free government, were anxious to push their fortunes and press forward in the spirit of enterprise, which the change in government stimulated. The log schoolhouse, admirable supplement of the academy, was even to be seen springing up in Greene, Washington, and Sevier counties; a court-house was also built at Jonesboro, and men of some wealth, education, and condition began to enter lands and make settlements, and society was crystallising on the sure and secure basis of attainment and character. Davidson county was laid off and was named after General Davidson, of North Carolina, and the following year Nashville was also laid off and named in honor of General Nash, of North Carolina, killed at the battle of Germantown, Pa. A new log court-house was built at Jonesboro. Peace prevailed, prosperity followed every industrious man's labor, justice prevailed, and religion and education were asserting their benign influences. But a great crisis impended. The pioneers and set-

David R. Hadden

tlers were about to test the power of revolution again, and set up for themselves, in defiance of the mother States' authority. They were shortly to organize and set up the State of Franklin,[1] and to maintain, under its constitution, laws and seal, an attitude of rebellion towards North Carolina for nearly four years.

VII.

THE State of Franklin was the result of the increasing and pressing necessities of a growing population for a stable and protecting government. It came about in this way. At the close of the Revolutionary War the Federal government and those of the States deeply in debt, were without money to pay what they owed. Given the power to levy a direct tax through the States, Congress, with memories of the stamp act still fresh in the public mind, found it impossible to collect, and therefore refrained from assessing it. There was no money in the country, and the people in all their trading transactions were reduced to the ancient methods of barter and exchange, and the payment of the public officers in hides, peltries, and produce. The public creditors were clamorous, and to appease and satisfy them North Carolina with other States surrendered all its territorial lands to Congress, that by their sale the public debts (State and National) might be paid. In pursuance of this plan, North Carolina, in June, of 1784, by an act of the Legislature, granted to Congress all the territory she owned that lay between the Allegheny Mountains and the Mississippi River, giving two years for the acceptance or rejection of the offer, during which time, of course, the counties of Washington, Greene, and Sullivan which comprised it, were still to be under the control and government of the State. Congress, for some unaccountable reason, did not at once accept this offer, which had strengthened the hopes of the pioneers that in a short time they would have a government of their own, as provided for in the bill of rights of North Carolina, through which they could legislate for the advancement of the territory, which was growing very rapidly in population. This delay on the part of Congress created confusion, which was increased by the failure of the State to provide for the defence of the territory, or appoint an adequate force of judicial and other officers. Thus left to themselves, the people resolved upon the formation of a permanent State government, under the advice and approval of the four delegates to the North Carolina Legislature. Accordingly it was proposed that each military company should elect two delegates to form a committee in each of the counties and decide upon a plan of action. This they did, and recommended the election of deputies for each of the counties to assemble in convention, with power to adopt such measures as they might

[1] So named in honor of the illustrious patriot, printer, and scientist, Benjamin Franklin.

deem advisable. A convention was accordingly assembled on the 22d of August, 1784, at Jonesboro, of which John Sevier was president, and Landon Carter, secretary. Immediately upon its organisation the convention appointed a committee to take into consideration the state of public affairs, and especially the cession of her western territory by North Carolina to Congress.[1] That committee reported it expedient that Washington, Sullivan, and Greene counties should form themselves into "an association, and combine themselves together," under the laws of North Carolina, "which may not be incompatible with the modes and forms of laying off a new state." They asserted that they "had an undeniable right to urge Congress to accept the cession of the territory, and to countenance them in forming a separate government, and they asserted that this convention has a right to adopt and prescribe such regulations as the particular exigencies of the times and the public good may require; and that one or more persons ought to be sent to represent our situation in the Congress of the United States," the convention to provide for his or their support. This was adopted. A plan of separation was also agreed upon, and a convention to frame a constitution and provide a name for the new State was ordered, to consist of five members from each county. A convention composed of delegates, elected under this order, met in November, but broke up in great confusion, and the result was the formation of two parties, one for adhering to the mother State and the other for separation. Meanwhile North Carolina repealed the act of cession, formed a judicial district of the four western counties, appointed an assistant judge and an attorney-general for the Supreme Court, which was directed to be held at Jonesboro. The legislative Assembly also formed the militia of those counties into a brigade, and appointed Colonel John Sevier the brigadier-general. But this did not prevent the advance of the revolution. The election was held, and the delegates elected, notwithstanding Colonel John Sevier urged to the contrary and expressed his satisfaction at the concessions made by the State. The convention again met in Jonesboro, John Sevier, president, and F. A. Ramsey, secretary. A constitution and the name Franklin was adopted, subject to the amendment or ratification of another convention, to be held at Greenville, on the 14th of November, 1785; but it was also provided that the electors of each county should elect members to a legislature for the new State, which was to meet and put the new government in operation. This programme was followed, and John Sevier was elected governor, and David Campbell, John Grist, and John Anderson were elected Superior Court judges. County Courts were also established, and justices of the peace appointed, as well as all other necessary officers of a State. The boundaries of Franklin[2] included fifteen counties of Virginia, six of West Virginia, one-third of Kentucky, one-half of Tennessee, two-thirds of Alabama, and

[1] The United States had not yet been organised under a permanent constitution.

[2] Hon. John Allison.

more than one-fourth of Georgia. At the first session of the General Assembly of the State of Franklin, in March, 1785, the Assembly passed fifteen acts, or laws. In the law levying a tax for the support of the government, was the following section:

"Be it enacted, that it shall and may be lawful for the aforesaid land tax, and all free polls, to be paid in the following manner: Good flax linen, ten hundred, at three shillings and six pence per yard, 900 at three shillings, 800 two shillings and nine pence, 700 two shillings and six pence, 600 two shillings, tow linen one shilling and nine pence, linsey three shillings, and woolen and cotton linsey three shillings and six pence per yard, good clean beaver skin six shillings, cased otter skins six shillings, uncased otter skins five shillings, raccoon and fox skins one shilling and three pence, woolen cloth at ten shillings per yard, bacon well cured at six pence per pound, good clean beeswax one shilling per pound, good clean tallow six pence per pound, good distilled rye whisky at two shillings and six pence per gallon, good peach or apple brandy at three shillings per gallon, good country made sugar at one shilling per pound, deer skins, the pattern six shillings, good, neat and well managed tobacco fit to be prized that may pass inspection, the hundred fifteen shillings, and so on in proportion for a greater or less quantity." The last section of the act is in these words: "And all the salaries and allowances hereby made shall be paid by any Treasurer, Sheriff or collector of public taxes to any person entitled to the same, to be paid in specific articles as collected, and at the rates allowed by the State for the same, or in current money of the State of Franklin."

"This provision furnished those who adhered to the North Carolina government much amusement. They asserted that the salaries of the governor, judges, and other officers were to be paid in skins, absolutely, and to add to their merriment, had them paid in mink skins at that. From this provision the inhabitants of that section of the country fell into the custom of referring to money as 'mink skins,' and this term, as descriptive of money, from these circumstances, spread all over the southwestern country. They estimated by law two dollars and fifty cents to be equal to fifteen shillings of the current money of Franklin. They allowed the governor two hundred pounds annually; the attorney-general twenty-five pounds for each court he attended; the secretary of state twenty-five pounds and fees; the judge of the Superior Court one hundred and fifty pounds; the assistant judges twenty-five pounds for each court they attended; the treasurer forty pounds, and each member of the council six shillings per day for each day of actual service. The Assembly of Franklin met the last time in Greenville, in September, 1787."[1]

The State of Franklin[2] thus organized was of course a movement distasteful to the people of North Carolina; the governor of which State, on the facts being brought to his attention, issued his proclamation asserting the rights of the State and warning the people against giving countenance or support to the new government. This called out a reply from Governor Sevier, who

[1] Hon. John Allison.

[2] One of its first and best enactments was that for the establishment of "Martin Academy," one of the first chartered schools of learning in the State, and long presided over by the Rev. Samuel Doak. In the same year North Carolina chartered Davidson Academy at Nashville.

undertook to justify the action and attitude of the people of Franklin.[1] Meanwhile the two parties in the new State were growing farther and farther apart, North Carolina hastening the ultimate catastrophe by appointing officers and continuing to legislate for the four counties, as if separation had never been attempted. This of course created a great deal of confusion, and in several instances violent quarrels which ended in bloodshed; but in the main the people, so self-reliant, controlled themselves with admirable good temper, and the fighting and squabbling was mainly confined to the respective officers of the two governments. Governor Sevier through all this turmoil was mindful of the safety of the settlements, and was especially vigilant in preserving peace with the Indians. At the close of his term of office, ex-Governor Sevier was arrested[2] near Jonesboro, where he was on business, by Colonel Tipton,[3] between whom and himself there existed a bitter hatred, growing out of their leaderships of the old and the new State parties. He was taken to Morganton, Berkes county, for trial on a charge of high treason, but was rescued by a company of his friends before a verdict could be reached. Some show of pursuit was made, but no earnest effort was made to retake the governor, who was never afterward molested, although he was declared to be forever barred from holding any office of trust or profit in the State. During all these difficulties the government of North Carolina acted with the utmost forbearance, contenting itself with proclamations by the governor, offering pardon to all who had participated in forming or supporting or holding office under the State of Franklin, and declaring all the official acts done by the officers of that State as valid as if done by the authority of North Carolina. John Sevier was the first and last governor of Franklin. That State ceased to exist after the 1st of March, 1788. Between the persistent, mild and paternal treatment of the

[1] Very inconsistently, it must be confessed, in view of his expressed satisfaction with the concession of the State. But the gallant old soldier could not help making common cause with the people whose trusted leader he was.

[2] Colonel Tipton in arresting Governor Sevier acted with unnecessary harshness and severity, and put upon the idol of the people the gross and inexcusable indignity of hand-cuffing him.

[3] Hon. John Allison: In 1786, while a court was in session at Jonesboro under the Franklin government, Colonel John Tipton entered the court-house with a party of men, took the records away from the clerk, and drove the justices out of the house. Not long after this Sevier entered the house where the North Carolina court was sitting, turned the justices out of the house, and carried off the records

The like acts were repeated several times during the existence of the Franklin government. James Sevier was clerk of Washington county under Franklin, as he had been under North Carolina. Tipton went to Sevier's house and took the old records away from him by force; shortly afterwards the same records were recaptured, and James Sevier hid them in a cave. In these captures and removals many of the records were lost, and all, save one, of the Franklin records were either lost or destroyed.

This one remaining record of the Franklin courts is not only interesting but amusing, and to be as drunk as it is, contains much law, and a great deal of ancient history. This record was evidently made late at night by the light of a "tallow dip," or a "bear oil lamp," with a

mother State and the lukewarmness and gradual falling away of its friends, it was impossible that it could last long. It was ushered in amid the anxieties of the people for the protection and help of a properly constituted home government, and it perished for want of a reason for its existence and the indifference of the people when North Carolina granted the needed protection and assured the strength of an ordinary judiciary.

During all the years of the existence of the State of Franklin, counting them as four—embracing the months of preliminary agitation—and those that succeeded on the final failure and surrender of all authority to the mother State, the settlements, both on the Holston and Tennessee, as well as on the Cumberland Rivers, continued to increase and the number of immigrants rapidly to multiply. The confusion and trouble incident to the dual system of government did not deter the pioneers, most of whom had but recently been released from service in the Revolutionary army. They were, no doubt, satisfied, from the temperate policy of North Carolina and from the tried patriotism of Sevier and his supporters, that an adjustment of the difficulties could not long be postponed, and that in a few years at least the independence asserted by the people of Franklin would readily be conceded both by North Carolina and the United States. They also reasoned, if they reasoned at all, that the constant harassments and attacks by the Indians would necessitate the united efforts and whole strength of all the settlements adequately to contend with it, and that the people could not under those circumstances afford to dissipate their strength by maintaining an attitude of divided allegiance, one-half for the State of Franklin and the other for the State of North Carolina. It is true the brave and heroic Sevier had in his expedition against the Cherokees and his treaty with them given an earnest of his determination to supply the pro-

bottle of well-distilled apple or peach brandy near by. It is the only record in writing I have been able to find relative to the lost State and its courts. It it like an old-time copy book; on the outside of it are the following entries and memorandas. I give them literally:

"State of Franklin, Washington County, James Sevier, State of Franklin, James Sevier, Clerk of Washington County, State of Franklin."

"Franklin"
"Franklin"
"Franklin."

On the opposite side, in the same handwriting, will be found the following: "Good deeds are very commendable in youth." "Good many men of good many minds." "Good birds of good many kinds." "State of ——— Court Adg'd, till court" "I course from a general insurrection of the times, To this day 7th, of May, 1786."

On the opposite side the record continues as follows: "Something ambiguous will say he went to the Indians, no witnesses, no opportunity, they are not able to prove anything. The meaning is to be taken, the latter in contracts, deeds and wills, construed differently was there a ejectment, and he never tryed, nothing can be done until Injunction issued from the judge. The law says no party shall be tryed without witnesses, Hobgobblings and Gosts. So many tryals." Read this record in the light of the history of the times. The court had been broken up, the justices driven out of the house. There I suppose is the ejectment referred to.

tection the mother State was slow to afford, but that did not extend to or guarantee the safety of Captain James Robertson—the father of Tennessee—who was bravely and sensibly meeting all the demands of the men and women who had followed him to the French Lick and helped him to lay the foundations of Davidson county and Nashville. The self-reliance that had sustained the people of Virginia and North Carolina through many rebellions against English power, and because of its abuse, and that finally brought them safely through the Revolutionary War, also sustained the people who founded Tennessee during the years of contest between the two States. Besides, the theory of self-government was recognised everywhere in America. North Carolina, too, had recognised the Wautauga Association, and had already declared the counties of Washington, Sullivan and Greene the Western Territory, preparatory to making it over to the national government, and also preparatory, as her bill of rights provided, to its admission as a State to the Union. Independence was only a question of a few years and of necessary population. It was not long postponed. North Carolina could not satisfy the demands of the settlers for the needed improvements and the maintenance and extension of the several departments of governments as rapidly as the necessities of increasing communities demanded. The consequence was dissatisfaction on the part of the people, and harassments, that made the authorities of the State as anxious to be rid of the territory, and the annoyances they could not provide against, for want of money. For these reasons, and having satisfied the claims of her Revolutionary pensioners with grants of land, North Carolina, in 1789, passed an act ceding all the territory now embraced in Tennessee to the United States government, and on the 25th of February, 1790, the act of cession was carried into effect by Senators Samuel Johnson and Benjamin Hawkins, who made a regular and formal conveyance of the same. The deed was accepted, and the territory prescribed by act of Congress. President Washington made proclamation of the fact in August following, and appointed William Blount, of North Carolina, governor, and David Campbell and Joseph Anderson, judges. Mr. Blount was a gentleman of wealth and prominence, and had represented North Carolina in the convention that adopted the constitution of the United States. He entered upon his duties in October, continued nearly all the appointees of North Carolina in office, and at once proceeded to the Mero[1] district, composed of the counties of Davidson, Sumner and Tennessee. By his recommendation the president commissioned John Sevier brigadier-general for the Washington, and James Robertson for the Mero district; he fixed his residence at Knoxville, which, with the county of Knox, was named in honor of General Knox, then secretary

[1] Thus named in honor of the Spanish governor of Louisiana, whom Captain James Robertson thus sought to placate and save the infant settlement from attacks by Spanish soldiers, or by Indians at the instigation of the Spaniards.

of war; and thus completed the organisation of the territory. In addition to his other duties Governor Blount was authorised to adopt and publish such laws, criminal and civil, as might be necessary, and also to act as agent of the United States among the southern Indians—the Cherokees, Creeks, Choctaws, and Chickasaws. His instructions under this head from General Knox were to act upon the defensive, and not permit the people to enter upon a warfare against the Indians. But this was found impracticable, owing to the invasions and depredations of the Indians upon the lands they had sold to the whites, or had ceded to them by treaty. The settlers disregarded both the proclamations of the president and the orders of the governor, and not only defended themselves, but pursued the enemy into their hiding-places, and punished them severely. "The policy of the Federal government was eventually made to yield to the spirit of indignant vengeance, which was now aroused." Mr. Smith, secretary of the interior, in the absence of Governor Blount, yielding to the demands of the suffering people, authorised General Sevier to invade the country of the Cherokees and Creeks, which he did, with six hundred riflemen, and the decisive battle of Etowah followed, at which Hugh L. White, and two others of the volunteers killed the chief, Kingfisher, and the Indians fled in all directions. This battle ended the military service of General Sevier ("Nollichucky Jack," as he was affectionately called), who, "for more than twenty years, had been the favorite leader of the frontiersmen and western volunteers in all their battles with the Indians, the British and the Tories. He had been in thirty-five battles, was never defeated, and never wounded. In all his Indian campaigns he had only lost fifty-six men, and this last expedition was the only one for which he recieved one dollar of pay." During these years the awful trials to which the people were subjected at the hands of the Indians were so numerous, and their details so horrible and blood-curdling, as to be beyond the capacity of an ordinary volume to recite. The defiant and dare-devil "red-skins," as they were called, killed and scalped men and women almost in sight of Knoxville, and every day bore witness to its own special tale of bloodshed and torture. In the Mero district, especially, General Robertson was compelled to take matters into his own hands. He accordingly organised an expedition, which, on Sunday, the 7th of September, set out for Nickajack, the most important of the Chickamauga Indian towns, which, with the village of Running Water, he utterly destroyed, with most of the Indians, and many women and children, who were killed in trying to make their escape. Seventy warriors perished in this fight, the only casualties to the invaders being three men slightly wounded. William Trousdale, afterwards governor of the State, William and Gideon Pillow and Andrew Jackson were among the volunteers prominent in this decisive affair. Murders and robberies by the Indians now became less frequent, and they did not again, until 1812, attempt anything like an organised effort against the whites.

They seemed to recognise their inability to prevent the settlement of the country, and gave up in despair. Colonel Orr, who was in command, reported the results of the expedition, undertaken in spite of the governor's orders to the contrary, and General Robertson explained its necessity, and it was allowed to pass without public objection.

VIII.

THE Chickasaw Bluffs, although far removed from the scenes of the great wars, was not unaffected by them. The treaty of Paris of 1763, which closed the French and Indian war, had transferred it from the French to the English, and the treaty of Paris of 1783–4,[1] which sealed the independence of the colonies, had made it part of the United States, a point on the western boundary line of North Carolina, over which for some years there was to be frequent and warm disputes, growing out of the assumptions of the Spaniards, the assertion by the Chickasaw Indians of their tribal and natural rights, and the increasing demands of the people of the West for the free navigation of the Mississippi. As early as 1700 the navigation of the great river, at the mouths of which there was then only from eight to ten feet of water, attracted the eager attention of the English settlers and the Spanish and French governments. M. de Callières, in a letter dated at Quebec, October 16, 1700,[2] considers it highly important for the king to maintain the post established near the mouth, "because the neighboring Spaniards and English would not fail, were it abandoned, to seize it by means of small craft, one of which has already made its appearance, and by their own exertions and those of the *coureurs de bois* draw to themselves the trade of that country, without our being able to prevent it, which would be attended with an inevitable loss." Spain, from the time in 1762 when she took possession of Louisiana, strenuously contended for the exclusive right to the navigation of the Mississippi, and refused to be bound by the treaty between France and England in 1763. In 1779 when Spain, taking advantage of England's embarrassment with her colonies, captured and took possession of East and West Florida, the Congress of the United Colonies sent a minister to Madrid to negotiate a treaty of alliance with that government, with instructions particularly to insist upon the right of the people of the United States to the navigation of the Mississippi to the sea, the ministers of his Catholic majesty declined. They were dis-

[1] The Count D'Aranda, who represented Spain at the making of the treaty of Paris, in 1784, on the eve of that important work predicted, in a letter addressed to King Charles the Third, "that before a half century will have elapsed there will remain to your majesty, of all your vast possessions in America, only the islands of Cuba and Porto Rico." Forty years had scarcely elapsed when this prophesy was fulfilled.

[2] Vol. IX., Doc. Hist. State of New York.

posed to acknowledge the independence of the colonies, but on conditions that they "subscribe to the right of Spain to the exclusive navigation of the Mississippi, and consent to our taking possession of both Floridas and of all the territory extending from the left bank of that river to the back settlements of the former British provinces, according to the proclamation of 1763." These terms were, of course, not accepted. At the close of the Revolutionary War, by the treaty of Paris, signed on the 20th of January, 1783, by Spain, France, and England, and the definitive treaty between Great Britain, Spain and the United States, signed, at the same city, on the 3d of September of the same year, England ceded the provinces of East and West Florida, acknowledged the independence of the United States, and recognised as their boundary a line to be drawn due east from a point in the Mississippi River, in the latitude of 31 degrees north of the equator, to the middle of the Apalachicola River, or Cataouche, thence along the middle thereof to its junction with Flint River, thence straight to the head of St. Mary's River, and thence down along the middle of St. Mary's River, to the Atlantic ocean. This line became the dividing one between the possessions of the United States and those of Spain. The navigation of the Mississippi was also declared to remain open and free forever to the citizens of the United States and the subjects of Great Britain. Spain peremptorily refused to be bound by the stipulations of this treaty, by which England, and after her the United States, became possessed of all the land that France claimed east of the Mississippi, except the island of New Orleans,[1] and the Chickasaws, asserting a sovereignty that had been maintained by them, in spite of France, refused to be transferred by the latter power to the English, and by them to the United States. They insisted that the American government must treat with them directly for their lands. Spain, owning Louisiana, claimed all of Tennessee, all of the country west of

[1] In the treaty of peace, in 1783, Spain was permitted to accede. The British, pending its completion, for some time insisted upon the Ohio River as the western boundary of the United States, but finally yielded the Mississippi. The accession of Spain was promised only on the condition that the Americans relinquish all claims west of the Allegheny Mountains, and to the navigation of the river. These pretensions were secretly sustained by France. This induced the United States to make a treaty with Great Britain without consulting France, a secret clause in which provided that a line due east from the mouth of the Mississippi, and not the 31° of latitude, should constitute the southern boundary of the United States, in case Great Britain should recover possession of the Floridas. On this account, perhaps, the Spaniards refused to deliver the territory between these lines, claiming it as Florida until 1798. Then succeeded the recession of Louisiana to France, and still farther complications as to boundaries, Spain maintaining that she was to give back precisely what she got, which, on the east side of the river, was nothing but the island of New Orleans. In this attitude the Emperor Napoleon sustained Spain. Negotiations ensued, pending which the United States entered on possession as far as the Sabine on the West and to the Pearl River on the East, and thus things remained until 1810. The revolution of the people of West Florida, against what was known as the Baton Rouge government, for a time ended a dispute which was later ended forever by the bloody battle of the Alamo and the annexation of Texas.

a "right line drawn from the eastern angle of the Gulf of Mexico to Fort Toulouse, situated in the country of the Alibamas; thence ascending the Lousihatchie River, from the mouth of which a right line should be drawn to the fort or factory of Quenassie; from this last place the course of the river Euphasie (Hiwassee) is to be followed until it joins the Cherokee (Tennessee), the course of this last river to be followed until it receives the Pelissippi (Clinch), this last to be followed to its source, from which a right line is to be drawn to the Cumberland River, whose course is to be followed until it falls into the Ohio. . . As to the course and navigation of the Mississippi River, they follow with the property, and they will belong to the nation to which the two banks belong. . . Spain alone will be the proprietor of the Mississippi from the thirty-first degree of latitude to the mouth of the river."

The Spaniards, as if they had concentrated their powers of divination upon the Mississippi, and realized that some day it would become the highway of many millions of people, were determined to hold it and, as on an ordinary turnpike, exact a heavy toll for its use. With this purpose in view Brigadier-General Don Gayoso, stationed at Natchez, sent in the spring of 1783 Benjamin Foy, a German, and an old Indian trader, to prepare the Indians for the occupation of the Chickasaw Bluffs by Spanish troops. Foy, with a company of forty men, landed at the mouth of Wolf River, on a mud bar that extended about to a point opposite where Poplar street now ends on the river. The troops that accompanied Judge Foy cantoned on this flat, and the first year cleared a portion of it and cultivated a crop of corn. The persistence of Spain in insisting upon the exclusive navigation of the Mississippi River, occasioned intense dissatisfaction among the people of the Southwest, who were greatly incensed by the introduction of a resolution in Congress on the 25th of August, 1785, instructing Mr. Jay to consent to an article in a treaty then under consideration, stipulating that the United States should forego and surrender the navigation of that river to Spain. All the Northern States voted for this resolution and all the Southern against it, except Delaware, which did not vote. Jay made the concession to Spain, and the utmost ill feeling was aroused. Threats of secession and the formation of a union with Louisiana, under the protection of the king of Spain, were freely indulged by the southwestern and western people, a movement that was quietly encouraged by Spain,[1] whose officers and agents had great influence with the settlers, es-

[1] Monette says, that "From the year 1788 we may date the settled policy of Spain through her diplomatic and colonial authorities to endeavor by diplomacy and intrigue to acquire the western portion of the United States. The king approved the judicious policy of Governor Mero, relative to the indulgences extended to the western people. The court of Madrid was warned of the danger to be apprehended from the increasing power of the United States. Navarro portrayed in strong colors the ambition of the Federal Government on the subject of western territory, and the thirst for conquest, which he asserted would be gratified only by the extension of their dominion to the Pacific Ocean, and as the only true policy for Spain to pursue, he recommended the necessity of dismembering the Federal Union by procuring the separation of the western country from the Atlantic States. This accomplished, the dangers to the

pecially in Tennessee. Many of the leading men in Kentucky, as well as Tennessee, encouraged a conspiracy in favor of some sort of combination with Spain. The times, which were sadly out of joint, favored this extreme of disaffection. McGillivray, a half breed, and influential chief of the Talapouches, writing on the 25th of April, 1788, to Arthur O'Neil, Spanish governor of Pensacola, asking and inviting the protection of Spain for his tribe, recites the indebtedness of the United Colonies, and the pressure by France for the payment of the interest of the sums due her, and states that the people, in order to avoid and evade the burden imposed by Congress in the levy of a direct tax for that and like purposes, "have abandoned their dwellings for the woods and have marched toward the Mississippi, in order to unite with a certain number of disbanded soldiers, who are anxious to possess themselves of a considerable portion of the tertitory watered by this river, and they propose establishing what they call the *Western Independence*, and throwing aside the authority of the American Congress. The emigrants are so numerous that in a short time it is possible they may find themselves strong enough to carry their scheme into execution." While it is plain from this that McGillivray was making a case for his tribe, his statements were not untrue. They were fully borne out by the dissatisfaction that everywhere prevailed in the United Colonies, impoverished by a long struggle for liberty. The continental currency, of which more than $200,000,000 had been issued, was almost worthless, and State money was at a heavy discount. Congress had no power even to maintain its own authority; there was no executive head to the confederacy, the States were jealous of each other and jealous of their newly-won prerogatives of independence. Speculation was rife and dissatisfaction was general. The commerce of the country was at the mercy of foreign powers. "Industrial depression[1] threatened general bankruptcy, and the debtor class became so desperate that in Massachusetts they assembled in mobs and prevented the sittings of the courts, that executions might not issue against delinquent debtors. Whole counties in New England became demoralised. Blood was shed in Rhode Island, when the sheriffs attempted to carry the forcing laws into effect. Shay's rebellion raged all winter in Massachusetts. The merchants, the lawyers and the courts were the objects of popular hatred and abuse. The governors of Rhode Island and Vermont openly favored the insurgents in Massachusetts. The jails were alternately filled by the sheriffs and emptied by mobs. Farmers refused to bring their produce to the

Spanish provinces from the encroachments of Federal power would immediately cease, and Spain would be at liberty to enter into negotiations mutually advantageous to Louisiana and the western people, who were already impatient of the failures and delays of the Federal government to promote their interests." Ramsey says this "policy of Spain invited emigrants into her provinces, and restored an amicable and mutually advantageous trade between New Orleans and the western settlements."

[1] Francis Norton Thorpe in "Magazine of American History," for August, 1887.

towns. Consumers and producers were at enmity, and values were for a time upset by odious laws, passed to bolster up a limp and worthless currency. Had it not been for the veterans of the war, the scenes of the French revolution would have found a precedent in America. . . . . Amidst the prevalent bankruptcy of the times many States passed laws impairing the obligation of contracts. . . . The general government had repudiated its debts and the several States now began to scale or repudiate theirs. . . . The sense of justice seemed lost to the Republic." Demoralisation everywhere prevailed, and the people of the West, forgotten, were left to shift for themselves. Congress could not do anything for them as they were beyond its jurisdiction, and the States claiming the territory they occupied were so engrossed with matters nearer home, that they would not. Repeated failures for redress intensified the feeling of neglect, and they began to agitate for independence and the establishment of a government that would insure them independence, and above all, assure them the free navigation of the Mississippi River. But how to secure this coveted boon was the question. As many as five propositions to that end were discussed.[1] (1) The formation of a new republic, resting on a basis of its own, and a close alliance with Spain; (2) to submit to the laws of Spain, and become a part of the province of Louisiana; (3) war with Spain, and the seizure of New Orleans; (4) to prevail on Congress by a show of preparation for war, to extort from the cabinet of Madrid what it persisted in refusing (the free navigation of the Mississippi); and (5) to solicit France to procure a retrocession of Louisiana, and to extend her protection to Kentucky. While these preparations were being discussed by the partisans to them, many leading men in Tennessee and Kentucky had put themselves in communication with the Spanish authorities, and had opened negotiations, with a view to carrying into effect one or other of these plans. Gayarre, in his "History of Louisiana — Spanish Domination," gives a great many names of persons prominent in public affairs in those then territories, who were compromised in this way. Among them was the gallant Governor Sevier, who wrote the Spanish minister at Philadelphia, Gardoqui, "that the inhabitants of Frankland [Franklin] were unanimous in their desire to form an alliance and treaty of commerce with Spain, and put themselves under her protection;" and he begged for ammunition and money, and any other assistance Governor Mero, of Louisiana, could grant to aid the contemplated separation from North Carolina, pledging the faith of the State of Franklin for the payment of whatever sums Spain might advance. General Wilkinson, with a brigadier-general's commission in the regular army of the United States in his pocket, was the agent of Spain in this treason, and as such negotiated with the leaders of Kentucky, and he was aided and sustained by Major Dunn, Colonel Bullitt, Judge Caleb Wallace, of the Supreme Court, Attorney-General Innis, and Benjamin Sebastian. Wilkinson, writing on the

[1] Judge Martin's "History of Louisiana."

12th of February, 1789, from Lexington, Ky., to Governor Mero, gives the solemn assurance that "I found all the men belonging to the first class of society in the district [Kentucky], with the exception of Colonel Marshall, our surveyor, and Colonel Muter, one of our judges, decidedly in favor of separation from the United States, and of an alliance with Spain." Dr. James White, afterwards a delegate to Congress from the territory of the southwest (Tennessee), and one of the first candidates for the Senate, was Gardoqui's principal agent, and by authority of Governor Mero, whom White visited in New Orleans, he was assured that the men of the State of Franklin were anxious for a change of allegiance from the United States to Spain. He was instructed in return to assure them that they would be protected in their civil and political government on the following conditions: (1) It should be absolutely necessary, not only in order to hold any office, but also any land in Franklin, that an oath of allegiance be taken to his majesty, the object and purport of which should be to defend his government as faithful vassals, on all occasions, and against all his enemies, whoever they might be. (2) That the inhabitants of that district should renounce all submission or allegiance whatever to any other sovereign or power. These conditions, White says, were eagerly accepted, and he promises Robinson and the other leaders in the Mero district, on Governor Mero's authority, that what had been promised to the men of Franklin applied to the men of that district with equal force. Governor Mero, about this time, writing to General Daniel Smith, says: "The giving of my name to your district has caused me much satisfaction, and I feel myself highly honored by the compliment. It increases my desire to contribute to the development of the resources of that province and the prosperity of its inhabitants." Later, the governor, at the solicitation of White, made some concessions to the men of Franklin and the Mero district, among them being the privilege to carry their produce to the market at New Orleans, on condition that they paid fifteen per cent., which the governor reserved to himself the right to reduce in favor of such men of influence as White might make known to him, and who might solicit that favor. There is no record that any of the leaders in Tennessee availed themselves of this offer. They were not acting from self-interest, but for the people. Their treatment by North Carolina had more to do with their continuance in a course that in their cooler and calmer moments they must have condemned. They knew that no considerable number of Americans could long remain subject to any foreign power, the Spanish monarchy especially. True, Governor Mero had so managed affairs as to win the respect and confidence of some of the settlers through these leaders, but difference in religion—at that time more than it is now, a great and almost insurmountable barrier—Sevier, especially, must have known, would prevent anything like a real or enduring union of the people of Franklin with Spain, even for a year. Oil and water might easier have been mixed. He had fought for independence, and

could not, with anything like consistency, when he had recovered from his present temper, have given his consent to the people whose leader he was becoming for any purpose or pretense the vassals of Spain, surrendering their newly-won independence, their right to worship God after the dictates of their own hearts, as they had been used to doing, and subjecting themselves to the espionage of the Holy Inquisition, whose agent had just been sent away from New Orleans only because his presence might alarm the conspirators.[1] With his superb and life-time services in view, his noble unselfishness, his hearty and inspiring patrotism — this was treason to himself, and it is only to be accounted for as an act of folly, pushed to an extreme under the stimulus of a passionate resentment. His nature was ardent; he loved the people, and was wholly devoted to their interests, and in attempting their release in this way from the too gentle sway of North Carolina, he could not see that he was making a way, if successful, for another revolution against Spain, and was sowing the seeds of trouble and war. He confessed as much as this in a letter to Gardoqui, at Washington, in which, justifying his course, he said that he was quite convinced that North Carolina, having refused to ratify the constitution of the confederacy, would never do so; and that the right of revolution, admitted as inherent in the people of Franklin, they could make any alliance that suited them. But Sevier, as has been shown, was not alone. General Robertson advised Mero that as soon as the separation from North Carolina, which had been applied for, had been obtained, other delegates would be sent to New Orleans to place the territory under the domination of his majesty. Who that has read the story of James Robertson's brave deeds, his moral heroism, can fail to detect here the warping of a fine nature by agencies too subtle for so open, frank and manly a man? It seems incomprehensible. Certainly it does not fit into the current of his life, illuminated by self-sacrifice. Looked at even from Sevier's point of justification, it still remains an enigma that these trusted leaders of the people, beloved by them, as they deserved to be, should counsel and attempt to trade away or jeopardise the liberties of that people for the sake of trading privileges at New Orleans, and unmolested passage along the Mississippi, running through the Spanish possessions. It had not been the habit of Sevier, nor of Robertson, nor of the people of Franklin, or Mero, to trade for such privileges. They had hitherto fought for and won them, and they were as well able at that moment to possess themselves of those coveted boons, indeed better, than they were to launch their little army against Ferguson's stronghold on King's Mountain, at a critical juncture during the Revolutionary War. Underneath the outspoken plainness of Sevier and Robertson, there was working the serpent of a vile, personal ambition, that made use of their honest indignation and anxiety for the people, to place them in the compromising attitude of leaders in a purpose that was fully developed in the shameless treason of Wilkin-

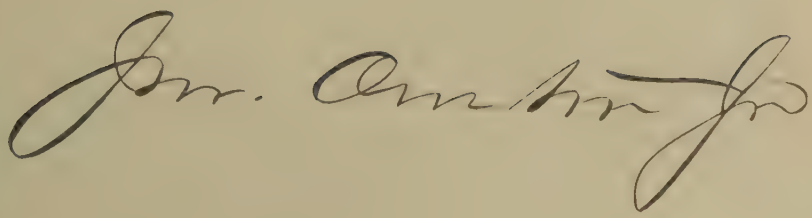
[1] Gayarre.

son, who was a Federal officer, and had no official relationship with even Kentucky, where he claimed residence, such as Sevier and Robertson had in Tennessee. They were pure men. He was a designing man, with an ambition beyond his abilities, and one that only treason could sustain. But the fates were all against this unnatural alliance; this shaky and rambling conspiracy against North Carolina. A spirit of compromise and concession was taking possession of the people and leaders of the States, and working better than they knew they were, preparing the way for a more perfect union. Having survived a long and tedious war with the mother country, they were destined to circumvent and defeat the machinations of Spain, the treason of still trusted officers and the continued deceits and treachery of Great Britain, prompted by a malicious spirit. Mero's prediction, that the king of Spain would never be master in Franklin or Mero, because one-half of the people were for North Carolina, was shortly to prove true. All the schemes fell through and the schemers disappeared. General Wilkinson, in a little while, was compelled to admit to Mero that he had only one man to stand by him, and that was Sebastian. On the 26th of January, 1790, he wrote to Governor Mero that "the general permission to export the products of this country through the Mississippi River, on paying a duty of fifteen per cent., has worked the consequences which I feared, because every motive of discontent having thus been removed, the political agitation has subsided, and to-day there is not one word said about separation. The inhabitants and landholders of these parts had ever present to their minds the terrible prospect of seeing their produce perish in their hands for want of a market; but now they no longer have any such apprehensions, on account of the ready outlet they find at New Orleans, for the fruits of their labor, which circumstance has diffused universal satisfaction. . . . Buoyed up by the privileges of trade which has been granted to them on the Mississippi, the people think of nothing else than cultivating and increasing their plantations." General Washington, he also admitted, suspected him, and his position was so precarious that he was disposed to go over to Spain, precipitately, and accept a commission as brigadier-general in the Spanish Army.[1] But this too, fell through. Mero, while

[1] Mr. Charles Gayarre, in a communication to the New Orleans *Times-Democrat*, answering some strictures upon his history, already quoted from, by Mr. James Wilkinson, a descendant of General Wilkinson, says, that at the instance of Prescott, the historian, he employed Don Pascual de Gayangos, then (1846-7) professor of Arabic in the University of Madrid, to procure for the State of Louisiana, of which he, Gayarre, was then secretary of state, such documents concerning the history of the State as might be found in the Spanish archives. Mr. Gayarre says, that it was with immense difficulty, and after the long-continued exertions of the most adroit diplomacy, that Gayangos obtained permission to examine the archives of Spain, not merely in Madrid, but also in Seville, Simancas and Cadiz—for those archives are in a most dispersed condition. When he stumbled on the papers concerning Wilkinson—being always under the supervision of an official—he was stopped by order of the Duke of Sotomayor, then premier, who positively objected to any disclosure of the relations which had existed be-

availing himself of the treason, despised the traitor. In a despatch to Madrid he expressed grave doubts of Wilkinson's sincerity, and Morales, who succeeded Gayoso as governor of Louisiana, denounced "the brigadier," as Wilkinson was usually named in the Spanish despatches, for "his reprehensible conduct towards us." The end had come. The constitution of the United States had been adopted; the old confederation, a mere rope of sand, had been abrogated; on the 4th of March, 1789, Washington had been sworn in first president of the United States. A more perfect union had been formed, justice had

tween Spain and General Wilkinson, on the ground that it would be a breach of faith and very impolitic. "It was frequently necessary," he said, "to secure tools and agents of all sorts by means not allowable, and this could not be done if those whose services were to be bought did not receive the assurance that the pledge of secrecy would never be removed. His father, the Marquis of Casa Irujo, Minister of Spain near the American Government, was implicated in the transactions which it was desired to bring to light. His mother was an American, the daughter of one of the signers of the Declaration of Independence. He did not want to make his family name odious in America." In the end, however, all obstacles were surmounted, and Mr. de Gayangos succeeded in having copies made of a great quantity and variety of manuscripts, as appears in my History of Louisiana (Spanish Domination) and among which were the documents concerning General Wilkinson. Mr. James Wilkinson denounces as unworthy of credit James Madison, John Randolph, Winfield Scott, Daniel Clark, and he might have added a long list of eminent personages who suspected his immaculate ancestor. Those men were slanderers, and the general innocent, because he was tried and acquitted, from the want of sufficient proof. So was Burr. They are, in this respect, on a perfect footing of equality, and yet they are legion those who still believe that those two men, who were so long bosom friends, had planned treason together against the United States. On what dark subject did they, for many months, confidentially correspond in cypher? What was it, to require the mysterious secrecy of cypher writing? Mr. James Wilkinson maintains that writings in cypher are not historical documents. He forgets that they are even judicial, for his grandfather, General Wilkinson, was allowed to present in court and to decipher himself an alleged letter from Burr. Whereupon, says the historian Parton, "Colonel Burr, who had listened to all the other witnesses against him with impassible composure, looked at his former intimate friend 'with an expression of ineffable contempt.'" The colonial prefect, Laussat, sent by Napoleon to take possession of Louisiana and deliver it to the United States, describes the two American commissioners, in a confidential despatch to his government. After having spoken of the estimable qualities of Claiborne as a private man, he speaks of Wilkinson as one "*connu ici de longue main sous de vilains rapports* — un brise-raison a boutades"—which may be thus translated: "Long known here in the most unfavorable manner—a rattle-headed fellow, full of odd fantasies." He adds: "He is frequently drunk, and has committed a hundred inconsistent and impertinent acts." I will close this already too long communication with a letter which Cowles Meade, acting governor of Mississippi, addressed to Governor Claiborne, on the 24th of December, 1806: "We want arms and ammunition; we have men, and those men are patriots. But, sir, we are badly provided. I can only promise to make the stand and fight the battle of Leonidas. Burr may come—and he is no doubt desperate—but treason is seldom associated with generous courage, or real bravery. Should he pass us, your fate will depend on the general (Wilkinson), not on the colonel (Burr). If I stop Burr this may hold the general in his allegiance to the United States. But if Burr passes this territory with 2000 men, I have no doubt but the general will be your worst enemy. Be on your guard against the wily general. He is not much better than Catiline. Consider him a traitor, and act as if certain thereof. You may save yourself by it."



been established, domestic tranquillity had been assured, provision was made for the common defence and for the promotion of the general welfare, and to secure the blessings of liberty to the people and their posterity. Treason could now be suppressed and traitors punished. A nation had been made that would take care of, provide for, and defend its vast western domain. Morales, in a despatch to the king of Spain, in May of 1799, admits that the United States had a policy as to the West, that he reduced to two points: (1) To prevent France and England taking possession of this province by cession, or by the force of arms; (2) to repress any scheme of separation which may be entertained by the States of Kentucky and Tennessee. Kentucky was admitted to the Union in 1792, and this put an end, for a time, to the dreams indulged by Wilkinson, of forming an empire with New Orleans for its capital; and though he revived them later on, with Burr, they were never realised. Jackson, who at this time was preparing for his career, and kept well informed as to all that was going on, never forgave Jay for the part he played in making the odious treaty,[1] and it was the grasping greed of Spain, to monopolise the navigation of the Mississippi, that intensified his hate of that power.

IX.

BUT we must turn from this conspiracy to prevent the formation of States for the Union to the more healthful, satisfying and reassuring work of making a State for it, which was still going forward in the territory of the Southwest. Knoxville being the territorial capital, its population grew very fast for those days, and Mr. George Roulston, proprietor, printer and editor of the *Gazette*, which had for some time been printed at Rogersville, Hawkins county, was induced to remove his press and type there. Knox and Greene counties were taken from Hawkins, and subsequently Blount was taken from Knox.[2] Under the act of Congress, creating the Territory, the governor and the two judges, acting as a sort of commission, were to regulate its affairs until the voting population numbered five thousand, then the people were to have a territorial government, to consist of a governor, appointed by the president, by and with the advice and consent of the Senate, and a Legislative Council and House of Representatives, the latter to be elected by the people. Governor Blount being satisfied

[1] It was among the charges against Randolph, Washington's first secretary of state, who left the cabinet under a cloud raised by the Fouché correspondence, that Jay was acting under his special directions in the making of that treaty, which made his name odious in the West and Southwest, even unto our own day.

[2] The seat of justice of Blount county was called Marysville, in honor of Governor Blount's wife, Mary Granger, as was also later Granger county and Fort Granger. She is said to have been deservedly very popular with all classes of the people.

that the Territory contained the requisite number of voters, issued a proclamation calling upon the people to vote for members of the House on the third Friday and Saturday in December, 1793—Washington, Hawkins, Jefferson and Knox counties, each to have two representatives, and Sullivan, Greene, Tennessee, Davidson and Sumner counties, each one representative. The election was held, and the Legislature met at Knoxville on the fourth Monday of February, 1794, David Wilson speaker, and Hopkins Lacy clerk. Before entering on the business of the session, on the second day, the members went in a body to church, where religious services were performed by the Reverend Mr. Carrick. The first business, on returning to their room, was the selection of ten persons, five of whom were to be appointed by Congress, to form the Legislative Council; they also adopted an address to the governor, and a memorial to Congress, setting forth the condition of the Territory, and asking for more effectual protection from the Indians. They then adjourned to the 25th of August, 1794, to await the confirmation of the Council. Both Houses convened at the appointed time, the only notable event of the session being the granting of leave of absence to the two members from Knox, that they might help to drive a band of marauding Cherokees from the settlements. Among the first acts of the session was one introduced by General John Sevier, providing for the relief of persons who had been disabled in the Indian wars, and of the families of such as had been killed. The old hero, who had never received pay for his own services, save for the Etowah campaign, was nevertheless determined that his comrades, living and dead, should be remembered and requited by the people they had risked and lost their lives for. An act was passed chartering two colleges — Greenville College in Greene county, and Blount College at Knoxville — the latter being now the University of Tennessee. A memorial to Congress for the relief of the people who had settled in Carter county, under the treaty made with the Cherokees by the State of Franklin, was adopted, and James White, of Knox county, was elected delegate to Congress. He was instructed to represent the necessity for Federal protection against the Indians, and the abrogation of the defensive policy of the government, and a list of more than one hundred persons killed by the Indians in the preceding six months was prepared, that Congress might realise the daily dangers of the settlers. A tax of twenty-five cents per hundred acres was levied, and a proposition to exempt workmen in iron foundries from military duty, was defeated, the latter very properly. These were among the more important measures of the session, which lasted thirty-seven days, when both houses were prorogued by Governor Blount, to meet again at Knoxville on the first Monday of October, 1795; but they were subsequently convened on the 29th of June, by the governor, in obedience to the very generally expressed wish of the people that steps should be taken for the organisation of a State government, in order especially to escape from the destruct-

ive Indian policy of the general government. In furtherance of this purpose, after the passage of some other needed legislation, an act was passed to empower the sheriffs of the eleven counties to ascertain if there were sixty thousand persons in the territory—the number required by Congress—and if so, authorising the governor to order an election of five men from each county to meet in convention and frame the constitution. On the census being taken it was found there were 77,263 persons in the State, 36,123 white males, 29,554 females, and 10,613 slaves, and 973 of all other persons.[1] The sheriffs, though not so ordered, took the vote for and against an independent State government, which resulted in 6,504 for, and 2,562 against it. Governor Blount, on the 28th of November, issued his proclamation directing an election to be held in the several counties for members of a constitutional convention, which was done, and the convention convened and commenced its session on the 11th of January, 1796, Governor Blount presiding. A committee, composed of two members from each county, was appointed to draft a constitution, to be submitted to the convention. This work was undertaken at once, and was completed and reported to the convention on the 27th of January, and on the 6th of February, after discussions and amendment, "the engrossed copy of the constitution was read and passed unanimously."

This constitution, which Jefferson considered "the most republican yet framed in America," gave the right of suffrage to freemen over twenty-one years of age on six months' residence; provided for a House numbering not over forty, nor less than twenty-two members, apportioned to the counties according to population; for a Senate one-third the number of the House, elected by districts; and for a governor—all elected by the people for two years; for a judiciary, to be appointed and to hold office during good behavior; and indirectly legalised slavery, by providing for the enforcement of "laws and ordinances now in force and use in this Territory," until altered or repealed by the Legislature. The boundaries of the State[2] were defined as "beginning on the extreme

[1] In Dr. Jedidiah Morse's "Abridgment of the American Universal Geography," published about 1800, four years after the State was admitted, in the chapter devoted to Tennessee, we find the following statistics of population: Washington district—Washington county, 10,105; Sullivan, 8,437; Greene, 7,678; Hawkins, 13,331. Hamilton district—Knox county, 11,573; Jefferson, 7,840; Sevier, 3,578; Blount, 2,816. Mero district—Davidson, 3,613; Sumner, 6,370; Tennessee, 1,941. Total, 77,262, of whom 10,613 were slaves.

[2] Some controversies resulted between the State and Kentucky and Virginia over claims of jurisdiction, arising after the declaration of this boundary, and they were not settled until 1860. Professor Garrett, in 1884, gave at conclusive length, the history of these controversies, in a paper read before the State Historical Society. He said that the dividing line between Virginia and North Carolina, a portion of which line now constitutes the northern boundary of Tennessee, was first conceived in the minds of Charles II. and his council. Its history thus began in 1665, when without a "local habitation," it existed as an imaginary line, having but one finite end, and purporting to bound unexplored countries. The confusion and disputes which attended the effort to locate and mark it by natural bounds, extended through a large portion

height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence

of our colonial history, and reached far into our national life. Piece by piece, it was extended and patched, following on in the wake of civilisation in its westward march, until its final completion in 1859–60, when it was located and marked by the Joint Commission of Tennessee and Kentucky, and confirmed by legislation in both States. Our history is thus divided into two periods. The first period extends from the grant of Charles II., in 1665, to the Cession Act of North Carolina, in 1790, when this line constituted the boundary between Virginia and North Carolina. The second period extends from the Cession Act of 1790 to the final confirmation of the line in 1860, during which time it constituted, until 1796, the northern boundary of the Southwest Territory, and subsequently the northern boundary of Tennessee. During the first period it was extended by three successive steps. First, in 1728, by a joint commission under the authority of King George II., and of the Lords Proprietors of Carolina; it was run one hundred and forty-one miles from the coast to a point on Peter's Creek. Second, in 1749 it was extended to a point on Steep Rock Creek, a distance of eighty-eight miles, by the commissioners of King George II. Third, in 1779-80, it was extended to the Cumberland Mountains by a joint commission of North Carolina and Virginia, and was continued to Tennessee River by the commissioners, and its termination marked on the Mississippi. The line of the Virginia commissioners, commonly known as Walker's line, was confirmed by two enactments of North Carolina in 1789 and 1790, and by Virginia in 1791. This brings us to the second period of our history, which opens with a curious complication. In 1792 Willie Blount, territorial governor of Tennessee, insisted that the first resolution of the Carolina Legislature, in 1789, was not a legal confirmation of Walker's line, and that the second resolution of 1790, passed many months after the acceptance of the cession by Congress, was invalid as to the United States, of which Tennessee was then a territory. He further urged that Carolina had for ten years before the cession exercised jurisdiction as far as Henderson's line, and expressed his intention of maintaining the same. A correspondence ensued between him and Governor Lee, of Virginia, which resulted in a proclamation from Governor Blount, asserting jurisdiction to Henderson's line, and a counter proclamation from Governor Lee, asserting jurisdiction to Walker's line. Matters continued in this confused and somewhat hostile shape until 1801, when the two States appointed a joint commission to determine the true boundary. On December 18, 1802, Joseph Martin, Creed Taylor, and Peter Johnson, on the part of Virginia, and John Sevier, George Rutledge, and Moses Fisk, on the part of Tennessee, met at Cumberland Gap. Failing to "unite in the result of their astronomical observations," they entered into a compromise and unanimously agreed to run the two lines in dispute, and midway between them, about one mile from each. The surveyors, Brice Martin and Nathan B. Markland, surveyed this line, and marked it with five chops in the shape of a diamond. In 1803 the acts of the commissioners were confirmed by appropriate legislation in both States. The boundary between Virginia and Tennessee was thus finally established. Although subsequent disputes and negotiations have occurred, no change has been made. Kentucky had discovered that Walker's line was several miles north of 36° 30′. In the repudiation of the Virginia and North Carolina compact by Tennessee, she saw her own opportunity. The argument now came with great force. "Since by your own showing, the confirmation of Walker's line by Virginia and North Carolina is invalid as to us, though we have no dividing line except the old imaginary line of 36° 30′, let us move down south and locate it." This threat was the more ominous, when Kentucky refused to make any convention on the basis of Walker's line, though repeatedly urged by Tennessee enactments in 1803, 1815, and 1817. In 1813, by an act approved February 13th, she gives the following intimation: "Whereas, Tennessee proposes to depart from the true line of separation . . . . to be ascertained by correct and scientific observation . . . . the governor of Kentucky is directed to inform the governor of Ten-

along the extreme height of the said mountain to the place where Wautauga River breaks through it; thence a direct course to the top of the Yellow Moun-

nessee that the disagreeable necessity is imposed upon Kentucky" of having the long-contested question finally settled by the means pointed out by the constitution of the United States. Her act of February 10, 1816, offers a compromise, provided the same is accepted by Tennessee at the next session of her Legislature. She offers to adopt Walker's line from "Obeas" River, *alias* Aba's River, to the Tennessee River; the remaining portions of the line, both east and west, to be on latitude 36° 30′; this line to be located by a joint commission. This would have placed about one hundred and eighty miles, a little over half the total boundary, on latitude 36° 30′. The action of the Tennessee Legislature in 1817, failing to accept this compromise, and proposing a joint commission on the basis of Walker's line, seemed to irritate her neighbor. Kentucky replied by the following spicy act of January 30, 1818: "That all laws heretofore enacted by the General Assembly of this Commonwealth relative to the boundary line of this State and the State of Tennessee, shall be, and the same are hereby repealed." Be it further enacted, "that the southern boundary line shall be and remain on a line running west from the top of Cumberland Mountains to the Mississippi River in 36° 30′ north latitude, anything in any former law passed by this State to the contrary notwithstanding." In the following year, 1819, she sent her surveyors, Alexander and Munsell, to run a line on 36° 30′, between the Tennessee and Mississippi Rivers, and declared this to be the true boundary. This line struck Tennessee River about seventeen miles south of Walker's line, by way of the river, and if continued would have passed south of the town of Clarksville. Tennessee now required the utmost skill of her diplomatists to extricate her from the false position of claiming jurisdiction by virtue of a line, the validity of which she has solemnly repudiated. Her authorities were thoroughly alarmed. Some plea must be found of "avoidance" without "confession." This plea Governor Joseph McMinn supplied in his message of October 6, 1819. It was the only argument which Tennessee had left; but it was an argument logical and potent in America,—"the wishes of the people." He says: "The citizens of both States who live in the neighborhood of Walker's line seem to be perfectly satisfied with that boundary, and would be opposed to any alteration." . . . . There is no proper alternative left to the authorities of the two States if they consult the interests of their citizens, to establish Walker's line as far as the eastern bank of Tennessee River. He points to the necessity of a compromise. "I submit to your consideration the propriety of employing some mathematician of known skill . . . . . to ascertain the latitude of 36° 30′ on the western bank of the Tennessee River." . . . . "If the line recently run by the State of Kentucky, between the rivers Tennessee and Mississippi, should be in the latitude called for by the charter of this State, it must, and ought in justice to stand." A compromise was effected February 2, 1820, which is so well known that I need not rehearse it. The treaty contained ten articles. The boundary line was to be Walker's line to the Tennessee River; thence up and with said river to Alexander and Munsell's line; thence with said line to the Mississippi; this line to be hereafter marked when demanded by either State; legislation to be enacted in accordance with certain stipulations with regard to land titles; the treaty to be valid, if ratified by the Legislature of Kentucky at "its present session." This ratification was duly given. Pending this negotiation, however, on November 27, 1819, the Legislature of Tennessee, either fearful of the result, or restive about the matter, passed an act, directing the governor, in case of the failure of the commissioners to make treaty with Kentucky, to appoint surveyors, and have a line run from the termination of Walker's line on the Tennessee River to the point marked by Walker in 1780 on the east bank of the Mississippi. This act was rendered inoperative by the conclusion of the treaty. Haywood remarks: "As is the fate of every treaty whether good or bad." . . . . "This treaty, as soon as it saw the light, was encountered with an exceedingly animated opposition; it, however, finally triumphed; the Legislature recognised its validity, and pro-

tain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the

vided for its execution. The line thus agreed on became the established boundary from the date of its confirmation by Kentucky in 1820. Many inconveniences, however, continued to result from the loss of some of the landmarks of Walker's line, the uncertainty with regard to others, and the unsurveyed gap left by Dr. Walker between Deer Fork and Cumberland River. Although the main points were finally settled, troublesome minor questions were raised, which required for their adjustment several negotiations and joint commissions between the two States. One of these was employed in 1821, another in 1831, by Governor Carroll; another in 1845, by Governor Jones; and the last in 1859, by Governor Isham G. Harris. This last joint commission, consisting of Benjamin Peeples and O. R. Watkins, commissioners; O. H. P. Bennett, engineer; J. Trafton, L. Burnett, assistant engineers; and J. M. Nicholson, surveyor—on the part of Tennessee; Austin P. Cox and C. M. Briggs, commissioners; J. Pillsbury, engineer; G. Trafton, G. Stealey, and A. Hensley, assistant engineers—on the part of Kentucky, met at a place which they called Compromise, on the Mississippi River. Having improved instruments and superior facilities, they made an accurate and satisfactory survey, placing the stone posts as required, and marking the line on permanent trees with four chops fore and aft. They also cleared a distance of five feet on each side of the line, and marked permanent trees facing the line with the initial letters of "K." and "T." From Compromise, latitude 36° 29′ 55″, they followed very nearly along Alexander and Munsell's to its termination on the Tennessee in latitude 36° 54″. This line frequently crosses the parallel 36° 30′, very nearly coinciding with it. Thence they ran up the Tennessee River to Walker's line, the latitude of which they failed to mark, but which is not far from 30° 40′ 45″ at the point of its termination on the Tennessee. Thence they followed Walker's line to the southeast corner of Kentucky, in latitude 36° 34′ 53 $\frac{48}{100}$″. Thence they ran to the end of their line, the southwest corner of Kentucky, in latitude 36° 39′ 0.92″. Their report, made in duplicate to Governor Harris, of Tennessee, and to Governor Magoffin, of Kentucky, on November 11, 1859, discussed the questions connected with the running of the various lines in 1821, 1830, and 1845, and gives twenty-seven section maps, tracing the course of these lines. Thus, after a controversy of sixty-eight years, extending from 1792 to 1860, was finally established the title of Tennessee to the strip of territory north of 36° 30′. This strip extends from White Top Mountains to Tennessee River, a distance of three hundred and fifty-five miles. The portion adjoining Virginia is about one hundred and ten miles long, and averages seven miles wide. The portion adjoining Kentucky is about five and three-fourths miles wide, and its eastern extremity gradually increasing in width toward the west till it reaches the Tennessee River, about twelve and one-fourth miles wide. For this acquisition she is indebted in the first place to the failure of the Virginia and Carolina commissioners to make due allowance for the variation of the needle, thus causing their lines to swerve continuously to the north; in the second place, to the fidelity and ability of her public servants; and finally, to the preference of the people along the border to live within her jurisdiction, and to the conservatism and liberal spirit of her sister States, which led them to respect the wishes of the people. Her boundary lines now skirt her borders, visible in permanent landmarks, and appear on her statute books, described by natural bounds; yet strange to say, her constitution of 1870 still adheres to the old imaginery lines, and describes her northern boundary as 36° 30′, copying the language of the cession act and of the State constitutions adopted prior to the final adjustment and location of the boundaries.

Professor Garrett, in a second paper, read before the State Historical Society, gave a comprehensive account of what is known as the South Carolina cession, a strip of land on the southern border of Tennessee, twelve miles wide, and more than four hundred miles long, ceded to the United States on the 9th of August, 1787, which was afterwards divided and ceded to the States of Georgia, Alabama, and Mississippi, each receiving the portion immedi-

place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to the place where Nollichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the constitution of the United States, recognising the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory northwest of the Ohio."[1] Two copies of the constitution were made, one for the secretary of state of the United States, the other for the secretary of state of the State when appointed, and the president was instructed by ordinance to call upon the sheriffs of the several counties to hold the first election for governor and members of the Legislature of the State of Tennessee.[2] An election was accordingly held, and the first Leg-

ately north of its own limits. As a result of the division of the colony of Carolina into two parts (north and south), South Carolina claimed the lands lying between the North Carolina line and a line to be run due west from the mouth of the Tugaloo River to the Mississippi, because the River Savannah loses that name at the confluence of the Tugaloo and Kenowee Rivers; consquently that spot was the head of the Savannah River, which by the charter grant of 1732, for the king of Great Britain, was constituted one of the boundaries of Georgia. The latter State contended that the Kenowee was to be considered as the head of the Savannah River, and denied the claim of South Carolina. She held to her position sturdily until 1802, when she received so much of the strip as ran along her northern border and $1,250,000 in money for extinguishing her titles to the Territory of Mississippi, out of which the States of Alabama and Mississippi were carved. A just decision would have given this strip to Tennessee.

[1] In Morse's geography (1800) Tennessee is stated to be 400 miles long and 104 broad, and to lie between 6° 20′ and 16° 30′ west longitude and 35° and 36° 30′ north latitude. It was bounded north by Kentucky and part of Virginia, east by North Carolina, south by South Carolina or Georgia, west by the Mississippi River.

[2] So named at the suggestion of Andrew Jackson, the delegates of Tennessee county readily consenting to a change of name for that county.

Tennessee, of which Dr. Monette, in his "History of the Mississippi Valley," says that "she has not inaptly been called the mother of States. From her bosom had issued more colonies for the peopling of the great valley of the Mississippi than from any one State in the American Union. Her emigrant citizens have formed a very important portion of the population of Ala-

islature of the State assembled at Knoxville on the 28th of March, 1796. James Winchester was elected speaker of the Senate, and James Stewart of

bama, of the northern half of Mississippi, and of Florida, They have also formed the principal portion of the early population of the States of Missiouri, Arkansas and Texas.

A modification of Tannassee, the name of a Cherokee town situated on the west bank of the Little Tennessee, or Tannassee River, a few miles above the mouth of the Tellico, and said to be the Cherokee for spoon, and given in consequence of a fancied resemblance in the shape of the Tennessee River to a spoon.

The first mention Ramsey finds of the name is in a report of a council held by Sir Alexander Cumming with the Cherokees of the Lower, Middle, Valley, and Over-hill settlements, at Nequassee, in 1730. This report says that "a crown was brought from Tenassee, their chief town, which, with five eagle tails and four scalps of their enemies, Moytoy presented to Sir Alexander, requesting him, on his arrival at Britain, to lay them at his Majesty's feet."

Tennessee is watered by the Mississippi, the Tennessee, and the Cumberland Rivers, and many of their affluents, and enjoys every variety of climate, from the sub-tropical in the alluvial bottoms of the Mississippi River to the Canadian-like severity of the Unaka range of mountains in the eastern portion of the State, which, in some instances, rise to an elevation of more than six thousand feet above the level of the sea. Its soil, too, embraces every variety, and its productions include cotton, tobacco, Indian corn, wheat, barley, rye, oats, peanuts, and all the flowers, fruits and vegetables of the other States of the Union, save the lemon, the banana, and the orange. Fully one-half of its whole area is still in timber of almost every variety to be found in the United States, most of it merchantable in quality and close to market. Its mineral wealth is unbounded. The area of its coal fields covers 5,000 square miles, co-extensive with the Cumberland table-land, and form an irregular quadrilateral, seventy-one mil s wide at the northern end, and fifty at the southern. The amount of coal has been estimated at 42,127,360,000 tons. There are four distinct iron belts or areas in the State, namely, the Eastern, the Dynastine, 150 miles long by ten to twenty miles wide; the Cumberland table-land, 5,000 square miles, and the Western iron belt, 5,400 square miles, occupying in whole or in part forty-four counties, including the Cumberland table-lands. Copper takes the third rank among the useful minerals of Tennessee, and is found only in Polk county. It is confined to a mountain basis, containing about forty square miles, and elevated 1,800 feet above the sea, Zinc is found in extensive deposits in Claiborne, Union and Jefferson counties, and ores of lead, galena and ceruosite both occur in the State. Gold has been found in Coco Creek in Monroe county, and other valuable minerals are found, especially in the eastern and middle portions of the State, which also abounds in useful rocks and clays, principal among them being limestone, marble, hydraulic rocks, roofing slate, mill-stones, grit, lithograph stone, potter's clay, clay for fire-bricks, natural fertilizers, and glass-making material. Petroleum has been found in many places, but its production is not profitable. Extensive beds of lignite are found in West Tennessee, and alum, salt, epsom salts, and blue stone are found in some of the eastern counties. Mineral springs abound in the mountains, and chalybeate and sulphur in the middle and western portions of the State. The Mississippi and the Tennessee and the Cumberland Rivers[1] afford transportation for all parts of the State, the latter two draining more than three-fourth of its entire surface.

[1] Of the rivers of the State, Ramsey believes that the Tennessee was called by the first explorers and geographers, Rivière des Cheraquis, Cherake, or Cosquinambeaux, but by the aborigines, Kallamuchee; which was the name of the stream from its confluence with the Ohio to the mouth of the Little Tennessee. From that point to the mouth of the French Broad it was called Cootcla; and from thence to the mouth of the Wautauga, and perhaps to its source in Virginia, the Holston was known to the Indians as Hogohegee. The French Broad throughout its whole length was known as the Agiqua, and received on its northern bank the Swannanoah and the Nonachunheh (now Nollichucky). The Clinch was known as the Pellissippi; Little River was known as the Canot; the Little Tennessee, the Tannassee; the Tellico was the Ptsaliko, or Saliko; the Hiwassee was the Euphasee; the Cumberland was the Warioto, called by the French the Shauvanon; Wolf River was the Nashoba. Besides these, there were the Lousihatchee, Hatchee, Sequatchee, Ocoee, Conesauga, and Wautauga, which escaped mutilation or corruption.

the House. Upon counting the votes for governor, it was found that John Sevier had been chosen for that office, and he was inaugurated the day following. William Maclin was elected secretary of state, and it was made his duty to keep a fair register of all the official acts of the governor. The State was divided into three judicial districts — Washington, Hamilton, and Mero— and John McNairy, Archibald Roane, and Willie Blount, were elected judges of the Supreme Court. McNairy and Blount both declined, and W. C. C. Claiborne was elected in their stead. Hopkins Lacy, John Lowry, and John C. Hamilton, were elected attorneys-general of the several districts. Landon Carter was elected treasurer of the districts of Washington and Hamilton, with his office at Knoxville, and William Black treasurer of Mero, with his office at Nashville. "Citizen" Blount and "Citizen" William Cocke were elected United States senators. Citizen Andrew Jackson had been elected representative by the people. In June Congress passed an act admitting Tennessee to the Union, but not until a very strong opposition had been overcome. The people of the State were to a man Democratic, were thoroughly imbued with the rising spirit of the age, and the "monarchy men," as the Federalists were called, kept her impatiently knocking at the door for a few months. Everything and anything that savored of aristocracy or of exclusiveness was to them significant of a purpose inimical to their liberties. This was the feeling of the people of the West and Southwest, so long isolated from the East. John Breckenridge, himself a man of good family, and who afterwards came to greater distinction in public life, wrote to a friend the following year (1797) that "there never was a ranker set of aristocrats or monarchy men than Richmond (Va.) affords." It was the prejudices of this class that kept Tennessee in probation. But with the help of Burr and other distinguished Democrats the State was at last admitted,[1] Vermont and Kentucky having preceded her, the former in 1791 and the latter in 1792. In 1797 W. C. C. Claiborne[2] was elected to succeed Jackson, who was elected by the Legislature to the Senate, to take the seat vacated by Blount, who had resigned. Jackson was, even at this time, very popular. He was a pronounced Democrat, who hated all foreigners, especially the British and the Spanish, and he had already made some reputation for his opposition to Jay's treaty, which secured the evacuation of the northwestern territory on or before June 1, 1796, but left the settlement of illegal seizures for settlement by commission-

[1] In consequence of the Legislature passing an act providing for the election of two representatives instead of one, and four presidential electors instead of two, the senators were not permitted to take their seats. Governor Sevier, on learning this, convened the Legislature on the last Saturday in July, when the act was amended and the two senators were re-elected. Under this amended act Mr. Andrew Jackson was elected to the House, in which he distinguished himself as a zealous member.

[2] The afterwards territorial governor of Mississippi, and governor of the Territory and State of Louisiana.

ers, refused compensation for the 3,000 slaves carried away by the British fleets and virtually conceded the control of the Mississippi to Spain. Jackson would have preferred war to a treaty so humiliating. He would have compelled the evacuation of the forts, would have taken hostages for the payment of the slaves, and would have forced a settlement for the seizures. As to the Mississippi, he would have insisted upon its free navigation beyond the power of Spain ever to interfere.

The settlements at this time in East Tennessee extended as far west as the Little Tennessee on the south side of the Holston, north of that river a little west of Knoxville; in Middle Tennessee they had spread over the present counties of Davidson, Cheatham, Montgomery, Robertson, Sumner, Wilson, and Williamson; West Tennessee was an unbroken wilderness. There was only the fort and trading-post on the Chickasaw Bluffs, at the mouth of the Margot River, which had been continued with varying fortunes ever since Marquette and Joliet had established it in 1673.

The new State began its career with some money in the treasury and without a dollar of debt, at peace with the Indians, the free navigation of the Mississippi being guaranteed by a treaty with Spain.[1] There was, however, a great deal of disquiet and bad feeling on the part of the people, owing to the com-

[1] The treaty between the United States and Spain, signed at Madrid on the 20th of October, 1795, and ratified by the United States in March, 1796, stipulated (the 2d article) that the future boundary between the United States and the Floridas shall be the 31st parallel of north latitude, from the Mississippi eastward to the Chattahoocha River; thence along a line running due east from the mouth of Flint River to the head of St. Mary's River, and thence down the middle of that river to the Atlantic Ocean, and that, within six months after the ratification of this treaty, the troops and garrisons of each power shall be withdrawn to its own side of this boundary, and the people shall be at liberty to retire with all their effects, if they desire to do so; (3d article) that each party respectively shall appoint one commissioner and one surveyor, with a suitable military guard of equal numbers, well provided with instruments and assistants, who shall meet at Natchez within six months after the mutual ratification of the treaty, and proceed thence to run and mark the said southern boundary of the United States; (4th article) that the middle of the Mississippi River shall be the western boundary of the United States from its source to the intersection of the said line of demarcation. The king of Spain also stipulates that the whole width of said river, from its source to the sea, shall be free to the people of the United States; (5th article) that each party shall require and enforce peace and neutrality among the Indian tribes inhabiting their respective territories. The king of Spain granted the use of the port of New Orleans, or some other point in the island of New Orleans, as a place of deposit and shipment of produce and merchandise free of duty or charge, except for storage and incidental expenses, for three years, which time may be extended by negotiation. Monette says that, "although Spain suspended her restrictions upon the river trade after this treaty had been ratified, it was quite apparent that the king never intended to surrender the territory east of the Mississippi, and north of latitude 31 degrees, provided any contingency should enable him to hold possession. He had been compelled, by the pressure of political embarrassments, both in Europe and in America, to yield a reluctant assent to the treaty, as the only means by which he could preserve the province of Louisiana from invasion, and conciliate the hostile feelings of the western people of the United States."

plicated and defective titles, and the preservation of Indians reservations by United States troops. But this was at last allayed by the extinguishment of the Indian titles, the noble and heroic James Robertson and honest and patriotic John Sevier laboring hard to prevent a collision between the people and the troops, which at one time was imminent.

On the 31st of January Congress passed an act giving effect to the laws of the United States in the State of Tennessee, and it was organised into one judicial district, the court to be held alternately in Knoxville and Nashville, the judge to receive an annual salary of $800. John McNairy was appointed judge, and Robert Hays, marshal. The State was also made one collection district, the collector to reside at Palmyra. John Sevier was elected governor for the second time in August, 1797. James White was elected speaker of the Senate, and James Stuart, speaker of the House. Sevier was the most popular man in the State, and would have been re-elected as often as he desired but for the constitutional prohibition. The people, who were much taken up with their private affairs, were greatly influenced by their leaders in public affairs, and Sevier and William Blount, in East Tennessee, and James Robertson, in Middle, still enjoyed and exercised almost absolute powers. Sevier was worthy of this trust. He had proven his title to that eminence by the most signal successes in the field and the forum, and by an unselfishness and self-abnegation that became proverbial. Blount had borne his part in the burdens incident to the settlement and organisation of the State, and was so popular that when expelled from the United States Senate he was immediately elected to the State Senate, whence he would have been sent back to the United State Senate but for his death, in 1800.[1] The people trusted him implicitly, because they knew he sympathised with them intensely and labored in their interests. Robertson was the father of Middle Tennessee, and was as skillful and statesmanlike in management as he was prudent and brave as a leader and soldier. An intelligent man, he never slighted or passed a chance for success. When diplomacy was needed he went down to see the Indians alone, travelling hundreds of miles through a wild and inhospitable country; and successful, because he was honest, returned to the settlements more happy than when, with a

[1] William Blount was expelled from the United States Senate, charged with carrying on a correspondence with one James Carey, looking to the establishment of another government with New Orleans for its capital. Blount, in a letter to a friend three days before his expulsion, admits the Carey letter and says "it makes quite a fuss here. I hope, however," he adds, "the people upon the western waters will see nothing but good in it, for so I intended it, especially for Tennessee." And so the people saw it, for when the sergeant-at-arms of the Senate, James Matthews, went to Knoxville from Philadelphia to arrest and take the ex-Senator back a prisoner, he could not find a man to help him, and he was compelled to return and confess that if William Blount was a traitor, all the people of Knoxville were traitors. Ramsey says that "some of the citizens accompanied him [the marshal] a few miles from town, where, assuring him that William Blount could not be taken from Tennessee as a prisoner, they bade him a polite adieu."

hundred men at his command, he avenged the murders and outrages of the Indians upon the isolated families who were the pioneers and the founders of the peace and prosperity of Tennessee. Sevier was three times governor, and was succeeded in 1801 by Archibald Roane, who was succeeded by Sevier, who served until 1809. Andrew Jackson, who had been attorney-general, congressman, supreme judge, United States senator, and major-general of militia, was also very popular; but a more mandatory and positive character than either of the leaders named, he had many enemies, and it was not until after his victory at New Orleans that the almost unanimous confidence of the people of the State was given him. When Sevier was making his canvass in 1803 Jackson was one of the supreme judges. He had had a slight falling out with Sevier about the major-generalship of militia, which then was a much-coveted prize, and when he heard that the governor had been trading in the fraudulent North Carolina land warrants, that brought ruin to so many honest, industrious people, he was ready to believe it, and did not hesitate to say so. This came to the ears of Sevier, in 1801; while speaking to the people of Jonesboro, seeing Jackson present, he denounced him in unmeasured terms. Jackson instantly made reply in kind, and closed by referring to his sevices to the State. "Services," rejoined Sevier, "I know of no great services you have rendered the country, except taking a trip to Natchez with another man's wife." "Great God!" exclaimed Jackson, "do you mention her sacred name," and he pushed through the crowd to chastise the man who had been his friend, and who, when he had resigned from the Senate, had appointed him to the place he then occupied upon the supreme bench. An invitation to a duel followed and much correspondence, but a meeting never took place. By accident, however, they met on the public road one day, and Jackson, drawing the sword he habitually wore and putting it in rest, *à la outrance*, charged on the governor, who, in dismounting to receive the attack, fell and broke his sword. Friends then intervened, and a melee was prevented. Sevier was triumphantly vindicated by being elected by a large majority. The belligerents were separated, but they never became friends. Threats were afterwards made by the more indiscreet of Sevier's Knoxville friends that they would burn Jackson in effigy, but such an insult never was perpetrated or attempted. Perhaps Jackson's habit of holding some one responsible had the effect of restraining the too fiery and zealous friends of the governor.

X.

PENDING the negotiation of the treaty of 1795 Brigadier-General Gayoso erected a fort on the site of Fort Prudhomme, the Spaniards being content since 1786, about which time the Chickasaw Indians had conceded the privilege, to watch their possessions known as the "Chickasaw Bluffs," from

Fort Esperanza, now Hopefield, Ark. "Yesterday," he wrote his wife, on the 31st of May, of that year, "I passed from my post of Esperanza over to the Chicacha Bluffs, whence I now write. I hoisted the king's flag and saluted it in the most brilliant manner from the flotilla and from the battery. It being St. Ferdinand's day (the name of my prince), I gave the post that name. It was a pleasant day, and withal my birthday, and nothing was wanting to complete my happiness but your presence. The chiefs are to visit me to-morrow, and then I shall count the days, the hours, and the moments, until I can be with you." Gayoso, at this time, was governor of Natchez, and resided in that city, the population of which was nearly altogether of English-speaking people. To these he must have been a very agreeable personage. He "was a man," Bernard Marigny says, "of high stature and stoutly built." He was very English in his manner. He had been educated at Westminster, London, spoke English perfectly, was fond of horses and dogs, of good dinners, and had an especial weakness for Madeira, of which he drank freely. He entertained liberally, and when, two years later, in August of 1797, he became governor of Louisiana, succeeding the Baron de Carondelet, he entertained royally, Intendante Morales complained, with more than royal extravagance. "He was a spendthrift in the full sense of the word," Gayarre says. "Having been educated in England he had adopted some of the habits peculiar to that country, particularly that of indulging too much in the pleasures of the table. It is said that Wilkinson's last visit to New Orleans (1799, when he was *en route* to Washington under orders) proved fatal to Gayoso. They had been on a footing of intimacy, strengthened by a similarity of tastes, and on their recently coming together had carried to an excess their conviviality, which had predisposed Gayoso to the disease that carried him off in his 48th year." With Fort St. Ferdinand Gayoso intended not merely to dispute but prevent the settlement of the Chickasaw Bluffs, the lands on which had already been entered under the laws of North Carolina, and under the safeguards of the treaty of 1786 had been surveyed for the owners, one of whom, John Rice, had purchased 5,000 acres on the 14th of June, 1784, the other, John Ramsey, purchasing an adjoining 5,000 acres on the 24th of the same month. He also intended to dispute the free navigation of the river, and under the general instructions of his government, do everything he could to thwart the purposes of the Americans, and keep alive their discontent. He was also to break up the agency and depot of supplies for the Chickasaw Indians, established at the Bluffs as far back as 1782, by James Robertson, acting in the interests of the people of the Mero district. But Gayoso's guns were never used for any purpose other than salutes. Yet the Spaniards were not permitted to indulge even this harmless display without protest. Complaint having been made by the Chickasaws to Governor Sevier of this invasion of their tribal territory by the Spaniards, by direction of the president he sent a

letter by Colonel McKee to Governor Gayoso, declaring his presence on the Chickasaw Bluffs to be an invasion of the territorial rights of the Indians, as well as of the State of Tennessee and the United States, and he demanded the demolition of the fort and the evacuation of the territory. In taking this position Governor Sevier was sustained by the resolutions introduced in the first Congress by North Carolina and seconded by Virginia, declaring "that the United States have a clear, absolute and undeniable claim to the free navigation of the Mississippi River, which claim is not only supported by the express stipulations of treaties, but by the great law of nature." Governor Sevier had also before him the paragraph adopted into the Bill of Rights of the State Constitution at the instance of the territorial governor, William Blount, which boldly set forth that "an equal participation of the free navigation of the Mississippi is one of the inherent rights of the State; it cannot, therefore, be conceded to any prince, potentate, power, person or persons, whatsoever." This plain and very positive assertion, coming from the people of the State, the western portion of which was still claimed by Spain, amounted to a declaration of war. It had the desired effect. The treaty of 1795 resulted, immediately on the proclamation of which, and before Colonel McKee could report his answer, Captain Guion of the Third United States Infantry, under orders from Major-General Wilkinson,[1] with a detachment of troops, sailed down the Ohio from Fort Washington (Cincinnati), stopping at Fort Massac (Illinois), to take in supplies, and passing New Madrid, with the consent of the Spanish commander, landed at and took possession of the Chickasaw Bluffs in the name of the United States. Here he erected Fort Adams. Captain Guion was an officer high in the confidence of the president, according to General Wilkinson's statement to Governor Gayoso. According to Claiborne he "was a native of Westchester county, N. Y., of a highly respectable family of Huguenot extraction. He entered the Continental army in 1775, at a very early age, as an ensign, and was at the assault on Quebec, December 31, 1775, and stood near the gallant Montgomery when he and his two aids and a number of others were killed by a discharge from a British battery only forty paces from their position. He continued in the service until November 23, 1783, when the army was disbanded. He re-entered the army March 5, 1792, and remained in it until June 1, 1802. During the latter period he served in Wayne's celebrated legion, and commanded a company in the memorable battle of August 20, 1794. He was a thoroughly trained officer—impetuous but cool, resolute, inflexible, punctilious, extremely courteous, but exacting in return every honor due his rank and character. He was a singularly handsome man, with a military port and manner, very fascinating in conversation, familiar with ancient and modern

[1] Who had just succeeded to the place vacated by the death of General Wayne, "Mad Anthony," and only a little while before had been paid $10,000 by Powers, a Spanish agent.

languages, and with the literature of the age. Many years after retiring from the army, Major Guion, by request of the authorities of New York, accompanied a committee sent out to invite him from Natchez, where he was residing, to Quebec. There he pointed out the spot where Montgomery fell, saw the remains exhumed, and followed them to the grave in St. Paul's churchyard, New York. While in that city the gallant old patriot was the object of many attentions from the officers and leading citizens." Before yielding to the inevitable, the Spanish troops, under the command of Captain Bellechassee, destroyed Fort San Ferdinando, and recrossed the river to Esperanza. Fort Adams completed, Captain Guion went on down the river, under orders to take possession of Vicksburg and Natchez, where a Captain Miner, a Pennsylvanian in the Spanish service, was in command of the district, vice Gayoso, who had been promoted to be governor of Louisiana. While Captain Guion was absent on this business, Captain Meriwether Lewis, also of the Third Infantry, took command of Fort Adams. Captain Lewis, who already had an enviable reputation in the army, was afterwards private secretary to President Jefferson, retaining his rank. He was a Virginian, born near Charlotte, Albemarle county. His mother, Lucy Meriwether, was the descendant of a wealthy English family, which had fled from the royal displeasure when Charles II. was on the throne, because of their opposition to his father, and taking root in Virginia had spread rapidly through Albemarle and adjoining counties, where they were influential and respected. Many of the Meriwethers had been distinguished in the Revolution, and the young man himself, fresh from an academy near Monticello, Jefferson's seat, had served in the Federal army during the Excise rebellion in Pennsylvania. From the volunteer forces he graduated into the regular army as captain, and when Jefferson was inaugurated president he took the son of his old neighbor, whom he had known from infancy, for his private secretary. Later, with Captain Clarke, Captain Lewis explored the Missouri (1803–1806) and its tributaries, making a report that at the time excited unusual interest, and led to the marvellously rapid settlement of the West, which still continues. He was made governor of Missouri upon his return to St. Louis on the 23d of September, 1806. Becoming a prey to hypochondria, and while on his way to Washington, obeying an official call, he committed suicide—Claiborne says, at the home of a friend in the Choctaw Territory; the American Enclycopedia says at a landing place in Tennessee, some say the Chickasaw Bluffs. All these statements are disputed. The latest by Mr. Beverly Crump is to the effect that "on leaving Chickasaw Bluffs he was joined by an Indian agent named Nealy, who reports that he betrayed great anxiety about the condition of his papers and accounts and his exploring expedition, and suffered from melancholia. His derangement was also noticed by other members of the party. When the travellers crossed the borders of Tennessee, Nealy's horse gave out, but Lewis pushed through with the understanding that

he would stop at the first house reached on the way and await Nealy's arrival. This turned out to be a log cabin owned by a Mrs. Grinder, near the present site of Nashville, who, noticing that her guest seemed to be out of his mind, feared that he might become demonstrative, and retired to an out-building, leaving him alone in the house. In the morning Lewis was found lying in his bed with his throat cut. He was buried near the scene of his heath. There are several variations of the story of the tragedy, differing more or less in detail, and his relatives still dispute the accepted account, which was written at the time by Mr. Jefferson himself in a letter to Mr. Paul Allen, of Philadelphia, and printed in *The Portfolio* in 1814. The theory which they advance of the cause of his death is plausible and romantic. They say that while in the far West Lewis discovered a gold mine, the whereabouts of which he disclosed to no one, but preserved in the private papers an exact description of the place and the country surrounding it, and the trails by which it could be reached. There was on that expedition with him a Spaniard, who in some way became possessed of the secret. This Spaniard was with Governor Lewis the night of his death, and, it is contended, occupied the same room. At any rate, he was the last man who saw Lewis alive, and he disappeared immediately after. With him disappeared all the valuable papers which were being carried to Washington. This version, however, does not appear in any of the allusions to Lewis's life contained in standard works. In "Howe's Historical Collections of Virginia," the author incorporates the new fact that Lewis shot himself while he was on a journey to the seat of government for the purpose of adjusting some of his accounts which had been disallowed. Here is proximate cause of that melancholia which Mr. Jefferson charitably mentions. For Captain Lewis Mr. Jefferson had the same regard and confidence which Colonel Lear, who also committed suicide, enjoyed under Washington. In his tribute, Mr. Jefferson says he had great ability, undaunted courage, and a scrupulous fidelity to truth."

Captain Guion was not long absent. He notified the Spanish authorities of the orders of his government, and made a polite demand for the evacuation of the territory to the boundary line stipulated for by the treaty. These and other preliminaries performed with tact and firmness, he accepted the assurances of compliance and returned to the Bluffs, the actual condition of things at which, and our relations with the Indians and Spaniards at that date, are shown in a letter written by him to the Secretary of War (McHenry), dated "Fort Adams, Chickasaw Bluffs, 22d of October, 1797." He says: "Contrary to my expectation, the Mountain Leader (Piamingo), the King, and the Wolf's Friend, with their followers, did not present themselves here to receive their goods until the 12th inst. Piamingo apprehended an incursion by the Creeks, and had remained at home to repel it. Wolf's Friend, who is a warm partisan of the Spaniards, and a cunning, mischievous fellow, regu-

Enoch Emery

lated his movements by their advices, and arranged to come in about the time the Spanish galleys and troops from St. Louis were to arrive at the port of Esperanza, opposite to this. A supply of goods from New Orleans, for the Chickasaws, had for some time been stored at Esperanza, but they had delayed the distribution, believing that our lot was very inferior to theirs, and that the contrast would make its impression, which would be supported by the new arrival of soldiers. The Wolf's Friend had assured the commander at Esperanza that he would not be permitted to remain. On August the 12th Colonel Charles Howard, with one hundred men and five galleys, arrived at Esperanza from St. Louis. Wolf's Friend immediately crossed over. On his return he said he wished to make a talk, and desired that his friend Colonel Howard should be present. I appointed the 16th, to give time to have William Colbert and Piamingo present. Colonel Howard, with two of his officers, came over in the morning. He apologised for his visit, and said it was only to gratify Wolf's Friend, who insisted upon it, and he hoped that when he distributed the presents at Esperanza, I would be his guest. This I promptly declined, but observed that I had no objection to his presence, as I had no secret intrigues or policy to carry out with the Indians, and should merely recommend them to preserve order among themselves and peaceful relations with both Spaniards and Americans. William Colbert, anticipating Wolf's Friend's design, opened the conference with a bold and animated talk. Addressing himself to that chief, he said: 'I know your object is to repel the Americans and bring back your friends, the Spaniards. But this shall not be while I live. The works now being built here [Fort Adams] were begun with my consent. I, and my people gave their consent and our promise, and I would like to see the man or the chief who can make that promise void. The Americans may go away if they choose to go, but they shall not be forced to go. I hear that you talk of force; you will do well to count the warriors of the nation. Before you can drive the Americans away, you must first kill me and my warriors, and bury us here.' This was followed by a brief but pointed talk from Piamingo, to the same purpose. Wolf's Friend remained moody and silent, and his Spanish friends, who had come to hear a very different story, were greatly disconcerted. Next day our goods were distributed, and, as they were found more liberal in quantity, and more substantial and valuable than the Spanish distribution, the effect was fine. I find at this place four white families who came here two or three years ago. The man of most consequence is Kenneth Ferguson, a Scotchman, and agent of Panton, Leslie & Co., of Pensacola, very active in the Spanish interests. He is extensively engaged in the Indian trade, and sells at most exorbitant rates. Another of those people is William Mizell, a native of North Carolina, who was at Pensacola under British protection when it surrendered to the Spaniards. He is no friend to

them, and I find him very useful as an interpreter, as he has resided sixteen years among the Chickasaws and speaks their language well."

But the Spaniards were still in possession of Fort Nogales, at the Walnut Hills (now Vicksburg), and Fort Panmure, near Natchez. They were aggravatingly slow in giving up these works, in spite of the constant protests of Mr. Ellicott, the commissioner appointed by the United States to see the treaty stipulations complied with; so reluctant to give up their hold, and with it their dreams, that Captain Guion became impatient, and he declared he would not wait longer than the 1st of April, 1799, and would then attack the forts. "At last the Spaniards, having lost, as it has been seen by Powers's report to Carondelet, all hopes of operating a dismemberment of the Union, an order was sent by the Court of Madrid to comply with the stipulations of the treaty (1795), to have the line of demarcation surveyed, and to surrender the ceded territory."[1] The Americans were getting down to the mouth of the Mississippi, but they were not there yet.

While thus the Federal government was asserting its treaty rights at the Chickasaw Bluffs and along the Mississippi River, the work of making the State was continued at Knoxville. By the second session of the second General Assembly, convened at that city, on the 3d of December, 1798, James Robertson was elected senator in place of Thomas Hardeman, who had resigned, and William Blount was elected speaker of the Senate. An act was passed, redistricting the State, and increasing the number of senators to twelve and the representatives to twenty-four. The third General Assembly, elected under this act, met at Knoxville on the 16th of September, 1799, Alexander Outlaw being elected speaker of the Senate, and William Dickson speaker of the House. At this session the jurisdiction of justices of the peace was increased; bills were passed to suppress excessive gambling (as if gambling could be measured); to prevent the willful or malicious killing of slaves; for opening roads; establishing Kingston, Haysborough, Dandridge, and Franklin; authorising some citizens thereof to build a stone court-house at Nashville; and providing for the election of electors of president and vice-president by the selection of three citizens in each of the three districts of Washington, Hamilton, and Mero, to meet at Jonesboro, Knoxville, and Nashville, and elect one elector for each district, these to meet at Knoxville and elect a president and vice-president of the United States; a rather round-about and cumbersome method that must have been to the plain, democratic Tennesseeans more of deference than they would willingly have conceded to the Federalist mistrust of the people, out of which the cumbersome plan grew that still exists. With the directness and bluntness that characterised them, there can be no doubt they would much rather have voted directly for candidates of their own choice out of all those that offered or were nominated.

But, turning from this and all questions of State, some attention must be giv-

[1] Gayarre.

en to one of the most extraordinary religious upheavals of which there is any record. In 1799, at a sacramental meeting held in the Red River Baptist church, near Port Royal, a great revival was instituted, which spread to Kentucky, and resulted in a religious mania of the most extraordinary character, ending in an epidemic of acute epilepsy. A Presbyterian preacher, who was a witness of it, wrote: "The scene to me was passing strange. It baffles description. Many, very many, fell down as men slain in battle, and continued for hours together in a comparatively breathless and motionless state, sometimes for a few moments reviving, and exhibiting symptoms of life by a deep groan or piercing shriek, or by a prayer for mercy most fervently uttered. After lying thus for hours, they obtained deliverance. The gloomy cloud that had covered their faces seemed gradually and visibly to disappear, and hope in smiles to brighten into joy. They would then arise shouting deliverance, and address the surrounding multitude in language truly eloquent and impressive. With astonishment did I hear women and children declaring the wonderful works of God and the glorious mysteries of the Gospel. Their appeals were solemn, heart-rending, bold and free. Under such addresses many others would fall down in the same state, from which the speakers had just been delivered. . . . I was astonished at the knowledge of the gospel truth displayed by these exhorters. . . . After attending to many such cases my conviction was complete that it was a good work, nor has my mind wavered since on the subject." The physical contortions that preceded these cataleptic swoons were various, and the same writer says "were called the falling exercise, the jerks, the dancing exercise, the barking exercise, and the laughing and singing exercise." Peter Cartwright thought it was a judgment sent from God to bring sinners to repentance and show professors of religion that God could work "with or without means, and over and above means, to the glory of His grace and the salvation of the world." Lorenzo Dow said: "All denominations of religion exercised with the jerks—gentleman and lady, black and white, young and old—without exception." At Paint Creek 200 fell; at Pleasant Point, 300; at Camp Ridge, in August, 1801, as many as 3,000 are computed to have fallen. This great revival lasted from 1799 to 1803. Early in this year and late in 1802 a Methodist minister, named Grenada, travelled through East Tennessee, preaching to the people wherever he could collect congregations, in nearly every instance recounting his sinful experience, and thus exciting the sympathies of his hearers, who groaned and shouted with him. In this way the country was filled with shouting congregations, and thousands of converts were made. It was a remarkable revival, the first of the kind ever known in that section, and marked an epoch in the religious history of the time. The Rev. Mr. Doak, the oldest minister in the State, the religious father of the State, revered and beloved by the people, while this extraordinary series of revivals was going on, returned from a visit to the East and was prevailed

upon to "speak to the people." Consenting, he was provided with a platform near his church, which was found too small to hold even a tenth of the vast crowd that poured out to greet and hear the venerable man, who had shared all the dangers and discomforts of pioneer life in the service of his church; scholarly, eloquent, zealous, and spiritually gifted, with a voice and presence that never failed of effect with his hearers. On this occasion his address was "unusually powerful and pathetic," but about the middle of it he was seized with convulsions, which, after a very severe spasm, he managed to control for a time, continuing his address after recurring "spells," when, near the close, many of the congregation were similarly seized, and the "jerks," as they were called, shortly after prevailed over the country as an epidemic, and "it became a sort of proverb, that Grenada had brought the shouts into the country, and old Father Doak, to match him, had brought the jerks."[1] This strange affliction was extended by the aid of a young man named Gideon Blackburn, who obtained a license to preach from Mr. Doak's Presbyterian Church, and who "made a powerful impression." He became "wild in his enthusiasm," and "carried his hearers captive." "Thousands and tens of thousands were seen jerking and shouting; and the most extraordinary and unaccountable scenes were witnessed. Under the pathetic and wonder-working discourses of this prodigy of human nature, hundreds were seen falling down at one time, in a swoon; others jumping, jerking and shouting, while hundreds were singing, praying and dancing; and some would occasionally dash through the crowd, almost with the velocity of the wind, and escape to the woods, their friends pursuing them, under the apprehension that they had suddenly become deranged and would flee from the face of man, and perish in the wilderness, or in some wild and lonely place commit suicide. The opinion became prevalent that the millenium was just at hand, and the whole religious community were looking with anxiety 'for the coming of Christ the second time, without sin unto salvation,' expecting every day to see him descending through the clouds, seated upon that great white throne described by John in the Revelation, and followed by a countless throng of angels, singing the song of Moses and the Lamb. This excitement was at its highest, perhaps, during the years 1804 and 1805, but it did not entirely subside for many years thereafter."[2] A serious result of all this was the formation of new denominations, for instance, the "Shaking Quakers," the "New Lights," or "Stoneites," "Marshallites," the "Schismatics," and others. The "New Lights" were founded by Elder Stone after he had decided to abandon Presbyterianism, and his followers took the name "Christian Church." They held many of the views afterwards proclaimed by Alexander Campbell and adopted by the "Disciples of Christ," or "Campbellites," which Elder Stone joined when that reformation reached

[1] J. W. M. Breazeale's "Life As It Is," Knoxville, 1842.
[2] J. W. M. Breazeale.

Kentucky. The Cumberland Presbyterian Church also was a remote result of this great revival. The Presbytery of Cumberland county, Ky., to meet the demand for clergymen created by the extraordinary religious fervor of the times, ordained uneducated men, and therefore made a very radical departure from the Presbyterian rule. For this it was cited to answer before the synod, and refused. This refusal, after vain and fruitless efforts, resulted in the formation of the first presbytery of the Cumberland Presbyterian Church, at the residence of the Rev. Samuel McAdoo, in Dickson county, Tenn. They adopted the Westminster confession of faith, excepting the doctrine of fatality, and the Presbyterian form of church government.

Coming back to the West again, we find that Intendant Morales, in July, 1799, considering that three years had elapsed since the ratification of the treaty, issued an order prohibiting the use of New Orleans as a place of deposit by the western people, without designating any other suitable point. This reopened the question of the navigation of the Mississippi and rearoused the West. Troops were sent to the mouth of the Ohio, and preparations were made as for a campaign against Louisiana. But this was postponed. Events in Europe were hurrying forward a final conclusion of the question of the free and uninterrupted navigation of the Mississippi. On the 1st of October, 1800, a treaty was concluded at St. Ildephonso, between his Catholic Majesty of Spain and the French Republic, the third article of which provided that six months after the full and entire execution of certain conditions and stipulations relative to the Duke of Parma, the colony or province of Louisiana, "with the same extent as it now has in the hands of Spain, and that it had when France possessed it," should be retroceded to France by Spain. And this was done, but the fact was kept secret until peace was declared between France and England. Meanwhile the people of the West were protesting loudly against Morales's suspension of their right to deposit produce and merchandise at New Orleans. "The Mississippi," they said, "is ours[1] by the law of nature; it belongs to us by our numbers and by the labor which we have bestowed on those spots which, before our arrival, were desert or barren. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power shall deprive us of this right. . . . If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital, and when we are once masters of it, we shall know how to maintain ourselves there. If Congress refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other States. No protection, no allegiance." This was one of the last of the protests and threats of the West. The

[1] As quoted by Gayarre from a translation of "Barbé Marbois's History."

transfer of Louisiana to the French by the Spanish, and its sale by the former to the United States, in 1803, made a final settlement of all the difficulties. General Wilkinson was appointed to act with Governor Claiborne in receiving the transfer of Louisiana, over which he had at one time hoped to rule, as part of a great southwestern empire. In 1805[1] he was ordered to relieve General Pike, then, since 1803, in command at the Chickasaw Bluffs. Upon his arrival there his first work was to dismantle and destroy Fort Pike (formerly Fort Adams), and move the troops three miles further south to the vicinity of the mound on which the old chief Chisca lived when De Soto first came upon the Mississippi River. He named this fort after General Pickering, Washington's secretary of war, and occupied it until relieved from command a few months later. General Wilkinson served during the Revolutionary War, under the eyes of Washington, as an aid on the staff of General Gates. He it was who repeated to Lord Stirling (1777) the remark made by General Conway to General Gates, disparaging the generalship of Washington. He also served with Burr on the expedition to Quebec, under General Montgomery, and when the then late vice-president visited the West, on his ill-starred adventure, to establish an empire, with New Orleans for its capital, it was first charged that Wilkinson, who was at the time (1807) in command of the troops in and near that city, had been in the pay of Spain, was Burr's co-conspirator, and had promised himself, during the discontent of 1795, to become the Washington of the West.[2]

Even at this time the Chickasaw Bluffs, so far as commerce was concerned, was an unimportant point on the great river, and if, as is claimed, Burr, on his way to Natchez, landed for an hour or a day, the fact made no special impression upon his biographers or upon himself. He was a great favorite with both sexes in Tennessee, the men especially admiring him. When the State was an applicant for admission to the Union, and the Federals opposed it because the people were too democratic, Burr espoused their cause in the Senate, and thus won their gratitude. One of the most accomplished men of his day, a "gay gallant," a born diplomate and courtier, with such a claim upon their consideration, Burr had no difficulty in securing their confidence, disguising his purposes from even so keen and penetrating an eye as that of Jackson's, who generously supplied him with goods, for his expedition, from his store at Clover Bottom. Burr had got well on his way to Natchez before the

[1] About this time the name Gayoso was given to the bayou, that now divides the city, by the American soldiers and traders.

[2] Mr. Z. F. Smith, in his "History of Kentucky," insists, from the evidence furnished by the Spanish archives, in Wilkinson's correspondence with the Spanish governor at New Orleans, which he publishes, and also from corroborating local circumstances, that General Wilkinson was in the receipt of Spanish pay from time to time, receiving as much as $10,000 in one payment, as the chief of the conspiracy to turn the Southwest over to Spain, with an ultimate purpose of establishing a new empire or republic west of the Alleghenies.

closely-concealed conspiracy against the Union began to reveal itself. The patriot, who had been circuit and supreme judge and United States senator, who had given up all public employments, and was devoting himself to his store and his plantation at the Hermitage, so soon as he suspected "what was up," at once wrote to Governor Claiborne, of Louisiana, advising him of his suspicions, and at the same time to the secretary of war, offering his services and that of his division of Tennessee riflemen to punish foreign, or, as he significantly phrased it, "domestic enemies."[1] General Wilkinson, about the same time, announced a conclusion similar to Jackson's and the result was the arrest of Burr and the collapse of a scheme that threatened ruin to all who

[1] He also wrote to his friend, General Winchester, as will be seen from the following letter, first published in 1886, by Mr. D. McN. Stauffer, one of the publishers and one of the editors of the New York *Engineering News:* Brig.-Gen. James Winchester—Dear General: This moment by express I have received a letter from the secretary of war (the enclosed is a copy), from which you observe the necessity of prompt and efficient measures to put a check to the illegal projects contemplated, and alluded to by the secretary of war. By the bearer of this despatch I am informed that rumor states that a large number of boats with armed men are collecting at the mouth of the Cumberland and have there united with Col. Burr, who left Nashville on the 22d ult. with two boats, two families, six horses and one cow and eight oarsmen. Six of his oarsmen have returned and advise that they left them at the mouth of the Cumberland unable to proceed for the want of hands to work his crafts. Let these reports be true or false it behooves us to be in readiness to act as soon as we can be in possession of the necessary information to act upon—for which purpose I will on to-morrow despatch a messenger with necessary instructions to the mouth of Cumberland, and, therefore, you are required to have in readiness to march four companies of mounted infantry by the 5th inst., from your brigade, if within the compass of your powers—against that day. I may be in possession of information that may determine me in the route and movement. The nature of the service requires a confidential officer to command, and you are selected for this purpose, and ordered to be in readiness to move with the troops that may be ordered for this service on the receipt of my orders. I have ordered four companies from Gen. Johnston's brigade to be furnished and ready to join you at whatever point the information that may be received will suggest. Should the force assembled at the mouth be considerable, it will require a larger force than is ordered to be in readiness for this service, and should the force be considerable and they have descended the Ohio and Mississippi, it will become necessary that we should pursue to some point where effective check can be put to the illegal project and enterprise of the adventurers, with all the force in my power. This has induced me to issue you the enclosed order requiring you to have in readiness all the volunteer corps within your brigade, etc.

From the tender of services I have made to the president of the United States and his acceptance thereof, government will expect us to act with promptness and effect, and your patriotism is a sure pledge to me and to the country that nothing will be wanting on your part to fulfill the object and wishes of your government and your general. As soon as the messenger returns you will be advised of the point of rendezvous. I will appoint a muster master in due time to muster the troops. As soon as they are mustered, should you not be in possession of marching orders, you will permit them to return to their respective homes until further ordered, then to be in readiness to march at a moment's warning.

I am, dear general, with high consideration and respect, your most obedient servant.

[Signed] ANDREW JACKSON,
Major General Second Division Tennessee.

Hermitage, Jan. 1, 1807, 11 o'clock p. m.

had aided him, however innocently.[1] Even Jackson himself, the truest of patriots, was suspected, and Burr boldly challenged Wilkinson with being a traitor to him. Jackson, who cordially hated Wilkinson, believed Burr's charge to be well founded. But this belief was not generally shared in by the public nor by the government. This fiasco of Burr's was not without some compensating results. It attracted attention to the great West, and induced thousands of immigrants to come hither from the Atlantic States. It also brought Jackson, afterwards to be known as "Old Hickory,"[2] into still greater prominence, and opened the way for the development of his remarkable abilities.

During the time that had elapsed since 1797, Spain, which had been driven across the river from the Chickasaw Bluffs, by the advent of Captain Guion, and had been compelled to evacuate Esperanza on the sale of Louisiana by Napoleon to the United States, had been nursing its last claim to an interest in the navigation of the Mississippi River. But even this, clinging to it ever so tenaciously, it was compelled to surrender, and with as little ceremony as it had the Chickasaw Bluffs. In 1810 the people of the Baton Rouge government, which, according to Spain, extended up the river even as far as the Chickasaw Bluffs, but really embraced the present parishes in Louisiana of East and West Feliciana, St. Helena, East Baton Rouge, St. Tammany, Washington, Livingston and Tangipahoa, made an assault upon the Spanish fort at Baton Rouge, captured it, and afterwards compelled the surrender of the civil government. They then declared their independence of Spain, and appealed to the United States for protection, which was promptly furnished by William

[1] William Eaton, in his deposition, declared that "he, [Burr] now laid open his scheme of revolutionising the Western country, separating it from the Union, establishing a monarchy there, of which he was to be the sovereign, New Orleans to be his capital; and organising a force on the waters of the Mississippi, and extending his conquest to Mexico. At length I discovered that his ambitions were not bounded by the waters of the Mississippi and Mexico, but that he had meditated overthrowing the present government of the country. He said if he could gain over the marine corps [then the only troops at Washington] and secure the naval commanders Truxton, Preble, Decatur, and others, he would turn Congress neck and heels out of doors; assassinate the president, seize on the treasury and the navy, and declare himself the protector of an energetic government.

[2] On the 21st of October, 1812, the general government requested Governor Willie Blount to send 1,500 men to New Orleans. Jackson appointed December 10 for the meeting of the men at Nashville. A force of 2,070 men, infantry and cavalry, was organised, and January 7, 1813, the infantry embarked from Nashville, and the cavalry marched across the country, the little army assembling at Natchez on the 15th of February, where they remained by direction of General Wilkinson until the close of March, when Jackson received an order from the secretary of war to dismiss his corps, but he conducted his force back to Tennessee before disbanding it. It was on this march that his soldiers gave him the sobriquet of "Hickory," because of his toughness and extraordinary power of endurance. After a time the title was changed to "Old Hickory," and became immortalised with the memory of Jackson. The troops were dismissed at Nashville on May 22.

C. C. Claiborne, governor of the Territory of the Mississippi, by order of President Madison.[1] Spain then unwillingly gave up the pretensions she could not

[1] The New Orleans *Picayune* of June 19, 1886, endorsing a resolution before the then Legislature of Louisiana, to erect a tablet in the State House to the memory of General Philemon Thomas, a revolutionary soldier, who had also served in the War of 1812–15; whose remains are buried in the cemetery of Baton Rouge, and whose portrait is hung in the Senate chamber in the State capitol, says: "General Munday, of East Feliciana, is the introducer of the resolutions. His early life was spent in Baton Rouge, and he knew General Thomas. General Munday remembers having seen, in his youth, the remains of the Spanish fort which was captured by General Thomas in 1810. It occupied the ground upon which the United States barracks were afterward erected, and was simply a stockade, with a parapet and ditch. He has often heard an account of the expedition from East Felicianians. Among those who participated in it was Squire Flynn, a type of the athletic men of those days, who, fully armed and equipped, was accustomed to leap from the ground upon his horse. In 1810, although that portion of Louisiana west of the Mississippi River had become the territory of the United States, that part of it east of the river, embracing what are now known as the parishes of East and West Feliciana, St. Helena, East Baton Rouge, St. Tammany, Livingston, Tangipahoa, and Washington, still remained under the dominion of the Spaniards, who had garrisons at Baton Rouge, Biloxi and Mobile. The United States Government, in a passive, weak way, made a claim to this territory, but took no action toward asserting or vindicating the claim. At the same time, the country in question was peopled to a considerable extent by Americans, who had come thither from various sections of the Union, and they resolved, when a favorable opportunity should be afforded, to acquire their own independence. This opportunity was presented in the summer of 1810, when the garrison at Baton Rouge had been reduced to a mere handful, and there were no Spanish troops near enough to permit a speedy reinforcement. The movement of revolt first commenced among the people along Bayou Sara, and they were soon joined by the people in the adjacent country and by numerous volunteers from the United States Territory of Mississippi. The troops were marshaled under two distinguished leaders. These were Philemon Thomas, of the piney woods region of the Feliciana, and George Depassau, of St. Francisville. Captain Thomas had a force of about 80 riflemen—men who were expert with the American rifle, a weapon that has had so much to do in making the early history of the New World. Captain Depassau led about 40 men, known as the St. Francisville Dragoons. With this little force of less than 125 men, the two commanders resolved to attack the Spanish garrison at Baton Rouge, then numbering 150 men and protected by fortifications. These fortifications consisted of a stockade inclosing a piece of ground about 250 feet square. The stockade was composed of the trunks of trees planted upright in the earth around the area inclosed, and projecting about 12 feet above the surface. A ditch had been excavated around the outside of the work, and the earth taken from it piled against the inside of the stockade to strengthen it against cannon-shot. The work formed a good defense against musketry, and the garrison had openings between the upright logs through which they could fire. There was a gate at the centre of the north side of the quadrangle, and another similarly placed in the south side of the work. On the morning set for the attack, Depassau, with his 40 mounted men, dashed in at the north gate of the fort, which appears to have been open. There he was confronted by the Spanish forces with their commander, Grand Pre, at their head. Depassau demanded a surrender, while the Spaniard ordered his men to fire. Simultaneously with the volley of the Spanish musketry, the Louisiana cavalry charged the foe, who were astounded at the yells and volleys of Thomas and his riflemen, who rushed in through the rear gate. Grand Pre was already shot down, and the Spaniards, finding themselves assaulted both in front and rear, threw down their arms and cried for quarter. The Spanish flag was hauled down, and the revolutionists established themselves in the fort and

maintain, and later, in 1819, for a price, ceded Florida, which Jackson had almost wrested from her.[1] Thus, two hundred and seventy-one years after De

demanded the surrender of the Spanish civil authorities in the town of Baton Rouge. This was accomplished without difficulty, and the Spanish troops and civil officials were permitted to retire undisturbed to Pensacola—then the stronghold of the Spanish power north of the Gulf of Mexico. As a result of this conquest of the Florida parishes by Philemon Thomas and his little force, a convention was assembled at Baton Rouge, and on the 26th of September, in a formal declaration of independence, renounced allegiance to the king of Spain, and set up the Republic of West Florida, and Philemon Thomas was commander-in-chief of its military forces. The territory was subsequently taken possession of on the 7th of December by W. C. C. Claiborne, of the United States Territory of Louisiana, who on that day hoisted the United States flag at St. Francisville. Some time afterward that territory became a part of Louisiana, of which it is to-day a most important and prosperous section. General Thomas was a member of Congress from 1831 to 1835. He was a presidential elector for Madison and Monroe, and was several times a candidate for governor of the State. He died at Baton Rouge in 1847, aged 83 years."

[1] To understand the value of these pretensions, the following summary of the several treaties between France and Spain, and by the latter with England and by the former with the United States, is given: According to the patent granted by Louis XIV. to Crozat in 1712, the province of Louisiana was declared to be bounded by Carolina on the east and by Old and New Mexico on the west. By the sixth article of the treaty of November 3, 1762, France ceded to Great Britain everything east of the Mississippi except Orleans Island, and on the very same day she ceded to Spain everything west of the Mississippi River, and also ceded to Spain Orleans Island. The boundary "shall be irrevocably fixed by a line drawn along the middle of the Mississippi River from its source, as far as the River Iberville, and from thence by a line drawn along the middle of this river and of the lakes Maurepas and Pontchartrain to the sea." On the same day, November 3, 1762, Spain ceded to Great Britain "all that Spain possesses on the continent of North America, to the east or the southeast of the Mississippi, including Florida, with Fort St. Augustine and the Bay of Pensacola." In 1783 Great Britain ceded to Spain East and West Florida, the two provinces into which she had divided the territory. Our treaty with Spain, October 27, 1795, provides that "the southern boundary of the United States, which divides their territories from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Apalachicola, thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean." On October 1, 1800, Spain promised to cede Louisiana to France on certain conditions. On April 30, 1803, France ceded Louisiana to the United States, notwithstanding the fact that Spain had not yet delivered it to France. (In actual fact, on November 30, 1803, Brigadier-General Don Juan Manuel de Salcedo, assisted by the Marquis de Casa Calvo, delivered the keys of New Orleans to Laussat, the French colonial prefect, who had brought to him an order from the king of Spain for the delivery of the province. The Spanish flag was hauled down and the French flag run up in its place. Twenty days afterward, Laussat delivered the keys to Gov. Claiborne and Gen. Wilkinson, and the tri-color gave place to the stars and stripes). On December 21, 1804, the great French foreign minister, Talleyrand, wrote to James Monroe (afterward president) that in all the negotiations between France and Spain, Spain had constantly refused to cede any part of the two Floridas, even from the Mississippi to the Mobile. By the treaty of February 22, 1819, the king of Spain ceded to the United States "all the territories which belong to him situated to the eastward of the Mississippi, known by the name of East and West Florida."

Soto's discovery of the great river, Spain surrendered her last claim to a share in the Mississippi to the United States.[1] The craft and cunning of her ministers, their conspiracies with some of the leading men of Tennesse and Kentucky, tempting them to treason, and the carefully laid plans of their paid agent, General Wilkinson, had failed. After all her scheming, she found herself literally elbowed from her richest possessions in America, by the irrepressible and ever-expanding power of freedom. Deceit, and lying, and treachery, the once powerful forces of diplomacy, were thus easily routed by the light of truth. The Count of Aranda, one of the ablest of Spanish statesmen, after he had signed the treaty of Paris, of 1783, in a private memoir to the king of Spain, made this remarkable prediction: "This federal republic is born a pigmy, if I may be allowed so to express myself. It has required the support of two such powerful states as France and Spain to obtain its independence. The day will come when she will be a giant, a colossus formidable even to these countries. She will forget the services she has received from the two powers, and will think only of her own aggrandisement. The liberty of conscience, the facility of establishing a new population upon immense territories, together with the advantages of a new government,[2] will attract the agriculturists and mechanics of all nations, for men ever run after fortune, and in a few years we shall see the tyrannical existence of this very colossus of which I speak. The first step of this nation, after it has become powerful, will be to take possession of the Floridas, in order to have the command of the Gulf of Mexico, and, after having rendered difficult our commerce with New Spain, she will aspire to the conquest of that vast empire, which it will be impossible for us to defend against a formidable power established on the same continent, and in its immediate neighborhood. These fears are well founded; they must be realised in a few years, if some greater revolution, even more fatal, does not take place in our Americas." No prophecy was ever more completely fulfilled than this has been — even to the very letter.

[1] In October, 1820, the treaty was ratified by Spain by which the purchase of Florida was completed, the price to be paid being (1) $5,000,000; and (2) the relinquishment on the part of the United States of its old claim to Texas; a claim which President Monroe said was as good as that by which the United States held the island of New Orleans. General Jackson approved of this relinquishment of Texas, in a letter of June 20, 1820, written at the Hermitage in answer to one from the president, in which he said: "Having long known the repugnance with which the eastern portion of our Union, or rather some of those who have enjoyed its confidence (for I do not think the people themselves have any interest or wish of that kind) have seen its aggrandisement to the West and South, I have been decidedly of the opinion that we ought to be content with Florida for the present, and until the public opinion in that quarter shall be reconciled to any farther change. I mention these circumstances to show you that our difficulties are not with Spain, alone, but are likewise internal, proceeding from various causes, which certain men are prompt to seize and turn to the account of their own ambitions."

[2] Gayarre, from whom this is copied, interprets these words "new government" to mean free trade.

In 1801 John Sevier delivered his farewell message, congratulating the people upon their relations with the Federal government, peace with the Indians, and general prosperity. He recommended a law regulating the militia, as necessary to the safety of the State, and urged the prompt settlement of disputed titles. Archibald Roane was elected to succeed Sevier, and William C. C. Claiborne was elected to Congress, but accepting the position of governor of Mississippi Territory, he resigned. At the session of Congress held this year Tennessee was divided into two districts, and the Sixth Judicial Circuit was formed of the districts of East and West (now Middle) Tennessee, Kentucky and Ohio. The court consisted of one circuit judge and the judges of the districts of Tennessee, Kentucky, and Ohio, two of whom constituted a quorum. In 1803 John Sevier was again elected governor, and served in that capacity for three terms, until 1809. On the 22d of October, 1803, the Legislature passed an act authorizing the purchase of Whitney's cotton gin, the planters to pay thirty-seven and one-half cents upon each and every saw or circular row of teeth used in the gins in "each and every year for four years," which tax, when collected, was paid over to Phineas Miller, the first payment being made on the 1st of November, 1804, and the last on the 1st of November, 1807. The State paid in all $4,517.49 for the use of these gins, which promoted the rapid growth of cotton, the crop of 1801 being 1,000,000 pounds, that of 1811, 3,000,000 pounds, that of 1821, 20,000,000 pounds, of 1828, 45,000,000 pounds, and 1833, 50,000,000 pounds.[1] Though thus productive of direct benefit to the citizens, this purchase of the right to the gin was a very bad precedent in legislation, as it induced the belief on the part of the shiftless and thriftless that the Legislature could do whatever it pleased for the relief of the people and make up for their deficiencies. How far that was carried will be seen later on. The seventh General Assembly convened at Kingston on the 21st of September, 1807, but adjourned almost immediately to Knoxville again. In full sympathy with the Federal government in its strained relations with Great Britain, by advice of Governor Sevier, steps were taken to procure ammunition and arms in order that the State might be ready for any emergency.[2] At this session of the Legislature there was a notable lapse to a barbarous, an Oriental method of punishment. Horse stealing, which had been punished

[1] The first cotton grown in the State, of which we have any record, was by Colonel John Donelson, who, in 1780, planted perhaps a half acre as a garden product on his place, on Stone's River, opposite Clover Bottom. His success induced other farmers to follow his example, and in a few years the cultivation of cotton became general; every farm had its "patch."

[2] The whole country had been aroused by accounts of the affair between the British man-of-war Leopard and the Federal man-of-war Chesapeake. The former fired upon the latter, and bringing her to, boarded her and took off four seamen, claiming them to be British subjects. But by the hocus-pocus of diplomacy, a truce was patched up, and war was thus postponed for four years.

by death since 1799, was to be punished by "branding the convicted thief with letters H and T, with a red-hot iron on the right and left cheek, nailing his ears to the pillory and cutting them off, and the administration of thirty-nine lashes well laid on his back." This law had previously prevailed, from 1786 to 1799, and thus reinstated, continued in force until 1829, when the penitentiary system was adopted. In 1809 Willie Blount, a brother of William Blount, was elected governor to succeed John Sevier.[1] His initial term was notable for a change in the judicial system which, established at the organisation of the State government, was continued, with some inconsiderable change of jurisdiction, until the 16th of November, 1809, when a law was passed by the General Assembly, abolishing the Superior Courts. By the provisions of this law, the judiciary system it established went into operation on the 1st of January, 1810.[2] The State was divided into five judicial circuits; and a Supreme Court of Errors and Appeals established, to be held at different places, to wit: Jonesboro, Knoxville, Carthage, Nashville, and Clarksville. This Supreme Court was composed of two judges in error and one circuit judge. Hugh L. White and George W. Campbell were elected judges in error; and it was provided by law that the judge of the first circuit should sit in the Supreme Court held for the second circuit; the judge of the second in the first; the judge of the third in the fourth; the judge of the fourth in the fifth; and the judge of the fifth in the third circuit. The judges of the Supreme Court were allowed a salary of $1,500 per annum, and the circuit judges $1,000; and the circuit judges were required to hold court in each county. Solicitors-general were also elected by the Legislature, one for each circuit, to prosecute the pleas of the State; and were allowed a salary of $200 per annum, besides a tax fee on each prosecution. This system remained unchanged until the 19th of November, 1811, when that provision authorising the circuit judges to sit in the Supreme Court was repealed, and that court was left with only two judges, the act of the General Assembly providing that, if the judges of the Supreme Court should differ in opinion, the judgment of the Circuit Court in all such cases should be affirmed. The Legislature that made these changes in the judiciary system also yielded to the clamors "of the people" for relief, and passed a law authorising debtors, in consequence of the scarcity of money, to stay all judgments, as well those rendered by the courts as by justices of the peace, upon giving security for the payment of said judgments. The same law provided that, if the plaintiff would not receive property in payment of the judgment, at two-thirds of its appraised value, the

[1] Governor Sevier died in Alabama, and for many years, indeed until this year of 1887, it was not known where he was buried. Diligent search has, however, at last been rewarded, and provision has been made, at the suggestion of Governor William B. Bate, for the removal of his remains to the State in whose service he was most conspicuous as soldier and statesman.

[2] J. W. M. Breazeale.

property should be sold upon a credit of twelve months; and thus the collection of the plaintiff's demand was postponed. Thus the judiciary system remained until the 11th of October, 1815, when an act of the Assembly was passed providing that a third judge of the Supreme Court should be elected. Some years after this, a fourth judge was added to the Supreme Court, and subsequently, again, a fifth; and the judges of this court were then required in turn to hold separate Chancery Courts. This continued for a few years, when it in turn was changed by reducing the number of judges of the Supreme Court to three and transferring the original chancery jurisdiction of the Supreme Court to separate Chancery Courts.

XI.

WE have now reached a period of unusual interest in our story, when it became necessary for the Legislature of the State to meet the emergencies of its growing commerce and trade and provide banking facilities, and, for the people, an increase of currency. The steps taken and the result are instructive for a first beginning. Gold and silver were almost the only money known to them, and they had no banks. The Bank of Nashville had been chartered in 1807, but it had never been organised, the persons holding the charter failing even to take advantage of an amendment to it passed at the session of the Legislature held in November, 1811. Its capital was declared to be $200,000, in three hundred shares of fifty dollars each, to be paid up in lawful money of the United States, and it was empowered to issue bills and notes. This failure, and the knowledge that Congress had refused to recharter the United States Bank, created some fear by the Legislature that there would be a great scarcity of currency, and a consequent loss to and crippling of the trade of the State. It therefore chartered the State Bank of Tennessee, with headquarters at Knoxville, and branches at Nashville, Clarksville, and Fayetteville. Hugh L. White was elected president, and Mr. Lea, cashier. The capital stock, payable in installments, was limited to $400,000, in shares of fifty dollars, of which the State and each county in the State could subscribe for $20,000. It could not at any one time own more than double the amount of capital stock actually paid in, deposits not being regarded as a debt. It could not issue notes of a less denomination than one dollar. On becoming a stockholder, the State was allowed to elect a director. This bank, which absorbed the charter and privileges of the Bank of Nashville, was of great service to the people during the period between 1812 and 1815, when the embargo occasioned by the war with Great Britain threw the whole country upon its own resources, and the increased demands of trade and manufactures called for increased facilities in banking and more currency. Besides this, there was the financial demands of the State,

growing out of the Creek War. It was especially liberal in advances, and one of the excuses for its ultimate embarrassment and wind-up was that its difficulties dated from the loans it had made during that war.[1]

The Legislature was convened on the 12th of September, 1812, in extraordinary session, by Governor Willie Blount, to consider the declaration of war with Great Britain, recently made by the Federal government. Of the 100,000 volunteers called for by the president, 2,500 was Tennessee's quota, and it was necessary to make some preparations for putting them in the field. On the 9th of October a series of joint resolutions was adopted, approving the action of the president in declaring war, and striking at the Federalists of New England, who were opposed to upholding and maintaining the national honor; the Legislature resolved, "That we view any and every attempt to divide the good people of the United States, whether by a foreign government, by the State governments, respectively, or by any of these styling themselves citizens of any of the States, as an act, in the first place, too mean, degrading, and barbarous even, to have been countenanced by any other civilised government than that of our present enemy." Hostilities were opened on the very borders of the State, by what is known as the Creek War, incited by British emissaries, among them the great chief Tecumseh, who, with a small company of Shawnee warriors, visited the Southern Indians with a view to unite them for a last effort against the white race. The massacre at Fort Mimms, in August, 1813, which followed as a result of his harangues, aroused the whites to a sense of the general danger, and the Legislature of Tennessee, in response to the public demand, called out three thousand five hundred volunteers in addition to one thousand five hundred which had taken the field on the first alarm. General Cocke and General Jackson were commissioned by Governor Blount to command the two divisions. By the 11th of October the troops were in the vicinity of the Indians, and in the latter end of the month fought the battle of Tallushatches, completely routing the Indians. This victory was shortly after followed by those of Talladega, Emuckfau and Tohopeka (the Horseshoe). The Creeks, as a result of these engagements, were almost "cut to pieces." Only a remnant of them found their way to Florida, where they united with the Seminoles. Jackson then marched to Mobile, where he was

[1] J. W. M. Breazeale says this bank was wound up in 1830 at great loss to the State, occasioned by the cashier permitting his friends to check for money when they had no funds to their credit.

Judge John M. Lea, of Nashville, an unquestionable authority, says: It is a singular fact that it was the only bank ever chartered in Tennessee which, in the winding up, paid all the depositors and note-holders in full. Every other bank chartered by the State (I do not, of course, include the free banks, which deposited bonds to secure circulation) seems to have met with financial disaster. The charter of that bank expired in 1831, and after the payment of all debts there were assets on hand, collected from time to time by an agent, and dividends were made among the stockholders, the last being about 1846 or 1847, I think.

joined by General Coffee[1] with his brigade of cavalry. Thus reinforced he marched on Pensacola, which he reduced with but a show of force. He then returned to Mobile, which was threatened by the British, but finding it had been relieved, he took the road to New Orleans, with his whole force, General Coffee marching to Baton Rouge. Arrived at New Orleans, the general lost no time in preparations to meet the British, news of whose approach had preceded him. He was much reduced in flesh, even for so slender a man, and his face was very sallow and haggard. But this did not prevent him from the most active exertions for a campaign that, though brief, won for him immortality. Tennessee was intimately concerned in this second war for independence. The free navigation of the Mississippi River was the question most involved next after the right of search. It had been a dream of the British, as well as the Spaniards, to own and control the great river, the highway of the continent. With New Orleans in their possession they would hold the key to it and dictate the terms of its navigation. The State that made so earnest a protest against Spain's claim to the river, and had done so much to secure its free navigation, could not remain silent while efforts were being made by England to make her claim good. When, therefore, Governor Willie Blount called the Legislature in extraordinary session, and in a patriotic message announced that the president had declared war, that body was prepared to go to any extreme, and the people, when the news reached them, "were ablaze with excitement." The call for troops was obeyed with such alacrity that Tennessee was conspicuous both for the number of troops furnished and the officers commissioned by the president. Brigadier-General James Winchester, soon to be a partner of Jackson and Overton, was in command of the column that operated in Michigan, and Major-General Jackson (Overton's partner in the purchase of the Rice grant) was in command of the army raised for the defence of the Gulf, with Generals Carroll and Coffin commanding brigades. Originating in

[1] General Coffee commanded Jackson's cavalry in all his campaigns, and as far as opportunity afforded, was as "superb" as Murat. Jackson was accustomed to speak of him as his "right arm." He fought the battle of Tallushatches against the Creek Indians, and so utterly routed them that, as he states in his official report, "not a single warrior escaped — a circumstance unknown before." At Emuckfau, while leading a charge, he was shot through the body. At Enotachopco, the second day following, he was carried to the field on a litter. Some confusion happening in his ranks, owing to the desperate onslaughts of the Indians, he abandoned the litter, mounted a horse, and, disabled as he was, rode wherever the danger was greatest, rallying and encouraging his men. The success of the night attack upon the British below New Orleans (December 23, 1814), which afforded Jackson time to entrench and thereby save the city, was mainly due to Coffee. On the 8th he commanded the extreme left, having fortified his position under almost incredible difficulties, and defeated all the enemy's efforts to turn his lines. General Coffee was summoned to Washington in 1830, and remained there in daily consultation with the president until the peril of nullification was averted by the passage of the compromise measures. The intelligence of his death in 1833 brought tears into the eyes of his aged chief, and for an entire day, it is said, he refused to see any company. His portrait still hangs where General Jackson first placed it, in the dining-room of the Hermitage.

the insolent persistence in impressment, the right of searching American vessels for British deserters, and paper blockade, the war was carried on by sea and land, the boundary that separates the United States from Canada being at many points the scene of bloody battles, in all of which the Americans, though not always successful, gave convincing proof of courage and ability. But not all of these affairs put together were so decisive as the few sea fights that are recorded and the battle of New Orleans. These convinced even the supercilious British commanders that in the interval between the ratification of their independence and the year 1812, little more than a generation, the United States, surviving the dangerous agitation of the question of the adoption of the Constitution, and notwithstanding a negative sort of rebellion in New England,[1] had become sufficiently strong to cope with the mother country again. The war had continued for several months with ultimate victory plainly in sight for the Americans, when the Russian minister at Washington, Daschkoff, offered the mediation of his government to put a stop to it. President Madison accepted and nominated Bayard, Gallatin, and John Quincy Adams as commissioners. Ultimately Henry Clay and Jonathan Russell were

[1] The Federalists were stronger in New England then than in any other part of the country, and were from the first opposed to the war, which their members of Congress denounced in unmeasured terms, asserting that "the declaration of war was only designed by American Jacobins to draw off by a side attack the energies of Great Britain from its struggle with France." Massachusetts and Connecticut refused to supply troops, and denied the power of the president to make drafts upon them except to execute the laws, suppress insurrections, or repel invasions. In the spring of 1813 the Federalists showed a clear majority in every election in New England. Stimulated by this success the party became bolder, the State officers of Massachusetts refusing to attend the funeral services of Captain Lawrence of the Chesapeake. New England presented a united Federal front, and the administration, finding its efforts at conciliation futile, abandoned the whole section and concentrated its powers in the invasion of Canada. On the 14th of October, 1814, the Massachusetts Legislature adopted resolutions proposing a convention of the New England States, the object being limited to matters not repugnant to their obligations to the United States. This convention met in Hartford, and after a secret session of three weeks adopted a report to be presented by the members to their several Legislatures, in which any present intention of dissolving the Union was denied, but admitted that if a dissolution should be necessary "by reason of the multiplied abuses of bad administrations, it should, if possible, be the work of peaceable times and deliberate consent." It laid down the general principle that "it is as much the duty of the State authorities to watch over the rights reserved, as of the United States to exercise the powers which are delegated," and "proceeding from this point," Alexander Johnston continues, "to the narrowest particularism of the Kentucky resolutions drafted by Mr. Jefferson," it made many suggestions of amendments to the Federal constitution, which, if they should be slighted, or, if affairs did not change for the better, another convention was to be called for to meet in Boston on the 3d of June (1814), "with such powers and instructions as the exigency of a crisis so momentous may require." The Legislatures of Massachusetts and Connecticut adopted the suggestions of the report and sent commissioners to Washington to urge the adoption of the amendments, but their arrival was anticipated by the treaty of peace and the rout of the British by Jackson at New Orleans. No attention was paid to them, and the convention was covered with an ignominy that lasts until this day.

added to this commission, and Gallatin, having resigned the position of secretary of the treasury, all were confirmed. St. Petersburg, the place first selected, being distasteful to the British government, which feared the effect of the friendship of the Russian government for the United States, London was named, but eventually Ghent was selected. There the commission met, and after much of wrangling and angry debate, settled upon a treaty that did not touch one of the points upon which the United States had declared war. Negotiations were entered upon in August, 1814, and while they were pending, the British troops, being released by the close of the Continental war, and the exile of Napoleon to Elba, several brigades of Wellington's veterans under Packenham were sent to New Orleans under orders to take possession of that city and of Louisiana, and make them at least nine points of the final treaty of peace.[1] While negotiations for peace were pending Jackson was preparing for the great victory, routed the British army, relieved New Orleans and Louisiana, and convinced the British government that the insolent demands of her commissioners for the right of the free navigation of the Mississippi, the exclusion of American fishermen from Canadian waters, the exclusion of American war vessels from the lakes, and the cession of enough of the State of Maine to enable the Canadians to build a military road from Quebec to Halifax, never could have been gratified or satisfied. The treaty finally adopted and dated at Ghent, December 24, 1814, was ratified by the Senate on the 17th of February, 1815. It provided in the first three sections for peace and

[1] This treachery was anticipated by Mr. Jefferson. From "some letters of Jefferson," published in the *Southern Bivouac* for May (a valuable publication that closed its career with that number), there is one written to Mr. Short on the 23d of February, 1814, in which the seer says: "I sincerely rejoice that the career of Bonaparte is at length arrested, and that Europe is likely to be restored to its ancient divisions and governments, for, bad as they were, they were better than the military despotisms of Bonaparte, those 'great designs of his conceived and executed for the prosperity and happiness of the world.' The only thing to be lamented is, that the tyrant of the ocean is not also dismounted. Peace, I suppose, we shall have, but on the condition of navigating under her licenses; and, although I believe we have greately overtraded ourselves, I should prefer a war '*ad internecionem*' to a peace on that condition. It will very possibly end in the total suppression of our navigation and commerce, and leave us to be a world by ourselves. My whole confidence as to the salvation of commerce is in Alexander, that he will not yield to the subjugation of the ocean." The following extract is from another letter dated August 20, 1814, written from Monticello: "I think the downfall of Bonaparte a great blessing for Europe, which never could have had peace while he was in power. Every national society there, also, will be restored to their ancient limits, and to the kind of government, good or bad, as they choose. I believe the restoration of the Bourbon is the only point on which France could be rallied, and that their re-establishment is better for that country than civil wars, whether they should be a peaceable nation under a fool, or a warring one under a military despot of genius. To us alone this brings misfortune. It rids of all other enemies a tyrannical nation, fully armed and deeply embittered by the wrongs they have done us. They may greatly distress individuals in their circumstances, but the soil and the men will remain unconquerable by them, and drinking deeper daily a more deadly, unquenchable, and everlasting hatred to them."

the restoration of prisoners, the fourth to the eighth inclusive, for the northern boundary as at present existing, the ninth for the cessation of Indian hostilities, the tenth for the suppression of the slave trade, and the eleventh for the exchange of ratifications. There was not one word about the right of search. The Americans had practically settled that question on the high seas in a series of engagements the most brilliant in the annals of naval warfare. "A people with whose frigates British war vessels had learned to refuse battle, except on rigidly equal terms, might claim a place in the family of nations, not by tolerance or treaties, but by the right of might." Jackson's victory emphasised this right of might. It was so overwhelming, so complete as to be for years "a special wonder" to the English, and it made him the hero of the nation and the idol of Tennessee. He was loaded with evidences of popular worship, the president making him a major-general in the regular army. All this was well deserved. Major Eaton says that "the concern and excitement produced by the mighty object before him, were such as overcame the demands of nature, and for five days and four nights he was without sleep, and constantly employed;" and Edward Livingston said that "during these sleepless days and nights the general did not once sit at table or eat a regular meal." Food was taken to him in the field. He took every possible precaution against surprise by the river, the lake, or by Barataria. "No, sir," he said to Livingston, who protested against these continued violations of nature's laws, "there's no knowing when nor where these rascals will attack. They shall not catch me unprepared. When we have driven the d——d red-coat villains into the swamp there will be time enough to sleep." His vigilance was sleepless, and he was rewarded. He was unconscious that on that very day, the eve of Christmas (1814), the treaty of peace had been signed at Ghent, and he was also unconscious of the duplicity by the British that made Packenham the victim of his vigilance and patriotic ardor. He had imbued every one, black as well as white, women as well as men, with that ardor, and it is not too much to say that the whole population of New Orleans and the suburbs was under Jackson's spell. There were skirmishes to prelude the great concert that was to come on the 8th. Work on the fortifications was still being pushed to completion, when the British, in parade order, advanced to take position. Jackson, alone among the Americans, was altogether undismayed by this array. His resolution was taken. He had his alternative provided for. He told Major Eaton years after, when the struggle had became a glorious memory, that he intended, had Packenham defeated him at Chalumette, to fall back on New Orleans, fire it, and fight the enemy amidst the flames. He had but one purpose—to defeat and destroy the British army. The safety of New Orleans was a secondary consideration. This brought him in conflict with the Legislature, which had thoughts of capitulation. To say that he was furious when he learned this but faintly expresses

the strength and extent of his passion. He sent word to Governor Claiborne to station sentries at the doors of the State-house, and not permit the members of the Senate or House to leave, and he said to a joint committee of both Houses, speaking in the dominating key which became him so well, that if he thought the hair of his head could divine what he intended doing he would cut it off. "Go back with that answer," he roared, "and say to your honorable body that if disaster does overtake me, and the fate of war drives me from my line to the city, they may expect to have a very warm session." But he did not have to leave his line and retreat to the city. He met the enemy on the 8th of January at every point, and defeated him utterly and fatally. The contest was a fierce one. It raged all day with unrelenting vigor, and "the field," Walker says, "was so thickly strewn with the dead that from the American ditch you could have walked a quarter of a mile to the front on the dead bodies of the killed and on the disabled." For many succeeding days and nights Jackson maintained the same vigilance as characterised him in his preparations for the battle, and he even contemplated a final *coup* by his army that would finish the red-coat British. But his generals dissuaded him. On the 18th a cartel was proposed by the British for the exchange of prisoners, and that night the line of retreat was taken up by them, and was so well managed "that the sun was high in the heavens on the following morning before the American army had any suspicion of the departure of the enemy." They had posted dummy sentinels and guns, and left flags flying—an array which deceived even Jackson, who was inclined to believe "they were lying low with a view to draw his troops out of the lines into the open plain." At last the general ordered a reconnoitering party to test the deception, but before its departure a British medical officer brought a letter from General Lambert, announcing his departure and recommending his wounded men to the humanity of the American commander. The general then rode out to the field, and saw that his victory was indeed complete. He had saved New Orleans, and Louisiana, and the Mississippi, and made an impression upon the British that is even strong to-day. The Americans' exclusive right to the navigation of the Mississippi has never since been questioned, and the right of search was abandoned, never to be mentioned. Jackson became a great force and factor in the politics of the Union, and was nominated for the presidency in many parts of the country. At Nashville he and Generals Carroll and Coffee were feted, and with them the troops who had brought back fresh laurels to the Volunteer State.

In 1815 peace was announced to the Legislature by Governor Willie Blount, and for the first time in the history of the State there was a contest for the office of governor to succeed him. The candidates were Jesse Wharton, General Johnson, Robert C. Foster, and Joseph McMinn, who was elected, receiving 14,980 of the 32,989 votes cast. He was re-elected in 1817, defeating Robert C. Foster by a vote of 28,402 to 15,460, and two years later

was re-elected by a vote of 33,524 to 8,079. George W. Campbell was elected to the United States Senate for six, and John Williams for two years. Mr. Campbell served two years, and, accepting the mission to Russia, was succeeded by John H. Eaton.

In the same year the Legislature, sitting in Nashville, chartered three more banks, to be known as the Fayetteville, the Holstein (at Jonesboro), and the Franklin Tennessee Banks, their charters being modelled after that of the Bank of the State, chartered in 1811. In 1817 the name of the Holstein Tennessee Bank was changed to that of the Eastern Bank of Tennessee, and it, as well as the Fayetteville and Franklin Banks, was allowed to become a branch of the State Bank. A general banking act was also passed for the establishment of banks at Gallatin, Carthage, Rogersville, Nashville, Kingston, Winchester, Columbia, Maryville, and Murfreesboro. These banks were established to ease a stringency in the money market, the result of over-importation after the War of 1815. This law permitted each or any of these banks to become branches of either of the principal banks already established, and if not accepted by these, they had all the privileges of an independent existence. The result of all this bank facility was to induce a temporary prosperity, and gild the hopes already indulged that the close of the second war with the mother country would bring an unexampled prosperity. But the contrary was the case. The banks that had, in other States, suspended specie payment in 1814, had not been able to resume, and the refusal of Congress to re-charter the United States Bank compelled the winding up of its affairs, and in 1817 the return of $7,000,000 in gold to its foreign stockholders. The continued heavy importation of English goods increased the difficulties by the drain of gold to that country. Want of confidence followed, and each bank discounted the others' issues according to its own estimate of it, or its connection with it, and the people suffered while the brokers grew rich. The banks of this State were exceptions to the general rule of suspension, until 1819, when they were all but the State Bank[1] compelled to suspend specie payment. A financial panic followed, and the ruinous results were so wide-spread that Governor McMinn called the Legislature together to consider measures of relief from "a general pressure unexampled in the history of our government." On the meeting of the Legislature a committee of the House of Representatives, appointed to investigate the causes that produced this depression, reported that "the unnecessary and extravagant consumption of foreign articles among us has accumulated a large debt against the citizens of the State, which occasions most of the difficulties now felt by the people." Many remedies were suggested for the relief of the people, among

[1] This statement is made on the authority of Governor Caswell, who said, in 1826, that "upwards of seven years ago, in consequence of the pecuniary embarrassment of the country, the banks of Tennessee, with the exception of the State Bank at Knoxville, ceased to redeem their notes by the payment of specie."

them an extension of time for the collection of debts; a stay of execution, and allowing judgment-debtors to replevin their property and hold it for a specified lapse of time upon giving bond; and Governor McMinn, in a message to the Legislature, recommended that "valuable property of the debtor, under well-digested limitations, and at a regulated discretion of the creditor, should be received in full satisfaction." He, later, at a second called session, also recommended the "issuance of treasury certificates to the amount of $750,000, circulating upon the faith of a public responsibility, and resting for their final redemption on the sale of lands within the Hiwassee district, as well as upon the ordinary revenues of the State." But on Jackson and others in Davidson county entertering a very earnest protest against it, this scheme was abandoned. Jackson took the ground in this protest, the writing of which was attributed to him, that the constitution of the United States forbade any State to make anything but gold and silver a legal tender. Nothing but the stay law resulted from all these suggestions. This was the only relief the Legislature could afford.

In 1817 the Seminole war broke out, the Seminoles, some refugee Creeks and runaway negroes initiating it by massacres in Georgia. A misunderstanding as to the boundaries agreed upon by the Federal with the consent of the Spanish government and the Creeks, who refused to be bound by their treaty with Jackson, was the originating cause of what proved to be one of the bloodiest, costliest and most prolonged of all the Indian wars in this country. General Jackson, who was in command of the Department of the South, was ordered by the cecretary of war to take command in person and to call on the adjacent States for such additional troops as he might need. In such emergencies Jackson knew no State but Tennessee. On the 11th of January, 1818, he made a call which was responded to by one thousand one hundred men, under command of Colonels Dyer and Williams. He arrived with these troops at Fort Scott on the 9th of March, being joined on the way by two thousand Indians under command of the Chief McIntosh, who had been commissioned a brigadier-general in the Federal army. Jackson punished the Spaniards, terrorised the Indians, and put a gross insult upon the British by hanging Arbuthnot and shooting Ambrister, both English subjects. The general, thus triumphant, returned home and was again feted by the people of Nashville as an invincible hero.

When next we hear of him, it is in connection with the Chickasaw Bluffs, in October, 1818, as a commissioner with the venerable Isaac Shelby, of Kentucky, charged with the duty of negotiating with the Chickasaw Indians for the cession of their lands to the United States. The wild, young lad who first came into public view, hatless and shoeless, a determined enemy of his country's foes, had become a major-general of the regular army, and was a possible candidate for president, his life-long friend, John Overton, being especially urgent for him. The young lawyer, who volunteered to fight

the Indians at Nick-a-Jack, had become one of the foremost soldiers of the Union and one of the foremost of the age.[1] Governor Shelby, Jackson's venerable co-commissioner, was one of the earliest of the pioneers of the State, and a comrade of Sevier and James Robertson,[2] who passed away almost at the moment of Jackson's triumph. He was a revolutionary soldier, fought under Marion, and signally distinguished himself at King's Mountain, where he was second in command. He was also very conspicuous in the civil affairs of Tennessee, until his removal to Kentucky, of which State he was the first governor. He died in 1826, crowned with honors.

The story of the "Purchase" is an interesting one. General Jackson and

[1] When Jackson appeared at Philadelphia, in 1796, as member of the House from Tennessee, he was described as "a tall, lank, uncouth looking personage, with long locks of hair hanging over his face, and a queue hanging down his back, tied in an eel skin, his dress singular, his manners and deportment those of a rough backwoodsman." Mrs. J. K. Smith, who entertained Jackson after the battle of New Orleans, regarded him as "an ugly, old Kentucky flat-boatman." Some years later, when president, he was described as the most stately man of his day, tall, dignified and elegant, with an air of refinement, and as distinguished in appearance as if born to the purple.

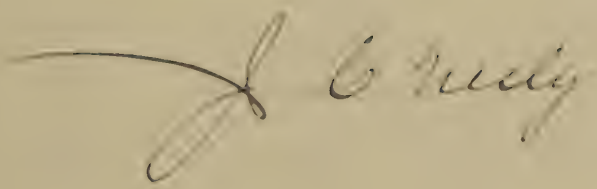
Moncure D. Conway says: "The framers of our constitution meant to preserve the power of the British crown as it stood when they parted from it, a time limit, and a liability to impeachment. They established a republican court. The first president drove out with six horses and kept the crowd at a distance. His measures were determined by a majority of his ministers. Our earlier presidents were proud of their pedigrees, and never invoked any deity except Washington. But the constitutional royal crown, imported into a democracy, must undergo transformation into the more brilliant imperial crown with the iron nail inside it. The transformation came with Jackson. That Scotch-Irish-Carolinian-Tennesseean Cromwell, Calvinist preacher, lawyer, soldier, with his victories over the Indian and the Briton, written in scars and decorated with titles of dread and admiration—'Sharp Knife,' 'Pointed Arrow,' 'Old Hickory'—struck the imagination of America as the Corsican did that of France. The mobocracy had their man. I heard from the widow of Alexander Hamilton a description of the long, lank backwoodsman in the White House, with his Nimrods around him, where motley was your only wear. 'At one of his receptions,' she said, 'there was ice cream, and I saw a number of people breathing over their spoons in order to melt it into their mouths.' General Jackson could do no wrong. It was an anecdote of a pious Jacksonian deacon of our county, in Virginia, that a Whig laid a wager he would justify Jackson even for murder. Overtaking the deacon on his way to church, he entered into conversation, and professed to be just from Washington. 'Well, and what's the news at Washington?' asked the deacon. 'Nothing—oh, yes, there is; General Jackson killed a man yesterday.' 'Killed a man!' cried the deacon. 'Yes, he was walking on Pennsylvania avenue and told a man to get out of his way; the man didn't, and the president shot him.' The deacon meditated a few moments, then broke out: 'Hurrah for the general! Why didn't the man get out of his way?'"

[2] The news of the death of General Robertson which was received in Nashville in 1814, occasioned general sorrow. He was an Indian agent and died at the agency. Judge Haywood, the historian, and in his time the ablest jurist in the state, delivered a eulogy upon the noble pioneer. No man at that time was better qualified for the duty. Judge Haywood was a man of the highest distinction in his profession, had been Attorney General of North Carolina and was a Justice of the Supreme Court of Tennessee. A scholar and student he left his impress on the jurisprudence of the State whose history he wrote.

Governor Shelby were commissioned by President Monroe to negotiate a treaty with the Chickasaw Indians for the extinguishment of their title to all the lands they claimed in the States of Kentucky and Tennessee, lying west of the Tennessee River. The general had just returned from Florida, yellow, thin and worn by the worrisome and harassing campaign that came near to precipitating the country into another war with Great Britain.[1] He was so weak, he wrote to Judge Campbell, on the 30th of October, 1818, "so weak as to be unable to hold a pen for some time after my arrival at the treaty ground. We arrived here[2] on the 29th ult.," he says, "and found everything wrong; an agent unacquainted with the Indians, the geography of the country, or even what were the wishes of the government, and not one-half of the nation notified of the place of meeting." Runners were sent out to collect the Indians, and in the leisure afforded him while awaiting their appearance, he wrote this letter. When assembled, the commissioners told the chief (Levi Colbert) that they would be liberal, as their father, the president, had told them to be so. Twenty thousand dollars each year for twelve years, was proposed by the commissioners as ample indemnity for the lands. This was refused, the Indians remarking that "they loved money well, but they loved their land much better." Another year was added, but was rejected, and Jackson offered another, making fourteen, which the chief said they would consider, and then adjourned. At the next meeting, as the commissioners tell, "Colbert inquired if one cent would not be given; and being informed that the commissioners had gone to their limit, he observed that the American nation is as strong as iron, great, rich and strong, and one cent was nothing to it, and this would satisfy the nation. General Jackson replied by asking if one solitary cent would satisfy the nation, and Colbert replied it would, observing that the American nation was strong, and the younger brother must yield to the older brother, on which they shook hands with the commissioners and parted. In a conversation with the interpreter, shortly after, Colbert said they shook hands on fifteen years' annuities of $20,000 each year, which was the understanding of the commissioners; and thus the thing rested until the time arranged for signing the treaty." The one cent proposition gave rise to a misunderstanding between General Jackson and Governor Shelby that came near defeating the work and purpose of the commission. Major William B. Lewis, who was present at the treaty, and a witness of all that took place, stated the facts that "the Indians insisted that they meant by one cent, another annuity, and that no other construction could fairly be put upon their meaning. Governor Shelby positively

[1] It was some salve for the wounds inflicted by the debates in Congress upon his so summarily hanging Ambrister and Arbuthnot, that in 1821, the general was appointed governor of Florida. He held the office only a few months, but long enough to stir up another serious row, by which he again came near being censured by Congress.

[2] Chickasaw Old Fields.



refused to give the additional annuity, and the Indians as positively refused to cede their lands. General Jackson, who until now had taken but little part in the controversy, thought the objects to be attained by the treaty were of too high importance to be lost by the mere pittance of twenty thousand dollars, to be paid fifteen years from that date, and he said he was willing to give them the fifteen annuities they contended for. The governor still peremptorily refused. The general inquired of him, in the presence of the whole company, if they had not, between themselves, agreed to go as high as $300,000 for the desired territory. The governor said they had, but that he had intended that sum to cover also the expenses of holding the treaty. General Jackson replied that was not his understanding; that he considered the fifteen annuities within the limit prescribed to themselves in their private conference, and that he was disposed to fill up the blank with that number. Governor Shelby still obstinately refused. The general said he regretted such was his determination, but still he would execute the treaty himself on the part of the United States, and send it to the government, and they could ratify it or not as they chose. Upon this Governor Shelby became quite violent, ordered his servants to get his horses, and declared he would leave the treaty ground. His horses were accordingly brought out and saddled, and finding that he was resolved on leaving the ground without concluding the treaty, then ready for his signature, the general (Jackson) determined, if possible, to remove every obstacle to its final consummation, and, with a view to that object, authorised Colonel Butler, the secretary, to speak to Governor Shelby, and say to him that if the additional annuity was the only objection to the treaty, he would execute to him or to the executive of the United States, his bond for $20,000, with any security that might be required, to be paid on condition the government should be unwilling to ratify the treaty for more than fourteen annuities. Colonel Butler did wait on Governor Shelby with this proposition, and received for answer that the additional annuity was the only objection to the treaty; and, after a few minutes' reflection, the governor agreed to accept the general's proposition. The bond was accordingly executed and deposited in the hands of the secretary, and the treaty was signed by both commissioners." Governor Shelby was satisfied and mollified. He rode away with General Jackson from the treaty ground, in good humor, their friendship unimpaired, and before he had gone far he tore up the bond. By the terms of this treaty the Indians were to receive $20,000 each year for fifteen years, to be paid to the chiefs; also $1,115 to Captain John Gordon, due him by General William Colbert, of the nation; $2,000 to Captain David Smith, for supplies furnished to himself and his company of soldiers who helped the Chickasaws in a fight with the Creeks; $500 to Oppassautubbee, for a tract of land reserved for him by the treaty of 1816; $25 to John Lewis, for a saddle lost in the service; $1,089 to John Colbert, to replace that amount stolen from him in a theatre in Baltimore. Be-

sides these there were reservations to certain members of the tribe, and certain sums annually to the chiefs of the tribe. The treaty was signed by the contracting parties on the 19th of October, 1818. In 1833 the Chickasaws gave up all their remaining lands in Mississippi (still known as the Chickasaw counties) amounting to 6,422,400 acres, for which they received $3,646,000. They then removed to the Indian Territory, under the guidance and direction of agents appointed by the government, and there are accounted among the most civilised of the Indian tribes. The settlement of the "Purchase" was very rapid, many of the settlers coming from South and North Carolina and Virginia, but most of them from the middle division of the State.

XII.

WE must now retrace our steps and see what the town of Memphis has been doing. The world, under the stimulus of steam, had made a bound forward, and was quickened in all its arteries of trade and traffic. The application of steam as a propelling power for water craft was developing its industries to an extent greater than one thousand times its population was capable of, and intercourse and communication were becoming the possibilities of days instead of weeks. Since 1803, when Fulton tested his first crude effort on the Hudson,[1] the application of steam to navigation had been proven on the ocean as well as on the rivers of this country and of Europe. To the Southwest and to the West this was a priceless boon. It came in the time of their greatest need, and gave an impetus to immigration and consequent growth that then was and still is a special wonder. In 1811 Fulton and Livingston

[1] John Fitch, who died in obscurity in Kentucky, from a dose of opium, it is now generally conceded built the first steamboat in 1784, and ran it on the Delaware, attaining a speed of eight miles an hour in 1788 by an improvement of the engine, which was the first double-acting condensing engine, transmitting power by means of cranks, ever built. He anticipated Fulton by twenty-three years.

[2] Mr. J. H. Latrobe, of Baltimore, in an address delivered before the Maryland Historical Society, gave an account of the voyage of the first steamboat built at Pittsburgh, the joint venture of Fulton, Chancellor Livingstone, and Mr. Nicholas J. Roosevelt, all of them citizens of New York. The keel of the vessel was laid in 1811 in a plot of ground on the Allegheny side, near what was known as Beelen's foundry, now occupied by the depot of the Pittsburgh and Connellsville Railroad. The size and plan had been arranged by Fulton. It was to be one hundred and sixteen feet in length, with twenty feet beam, and the engine was to have a thirty-four inch cylinder, the boiler and other parts of the machinery to be in proportion. Men were employed to find the timber for knees, and white pine was used for planking. Many difficulties were encountered, the ship-yard being overflowed several times; finally the boat was launched, and named the *New Orleans*. There were two cabins very comfortably fitted up, that forward for gentlemen, and that aft for ladies. This last was occupied by Mrs. Roosevelt, daughter of Benjamin Latrobe, the architect of the national capitol, and the intimate friend and correspondent of Jefferson. The vessel steamed away from Pittsburgh amid the

began building steamboats at Pittsburg,[2] where both iron, timber and coal were accessible, and by 1820 there were hundreds of steamboats navigating the Mississippi and its tributaries, many of them palatial in their accommodations. Memphis did not immediately profit by this new and quicker method of transit and travel. She was almost completely ignored by the steamboat owners, and captains. In Cincinnati and St. Louis the steamboat signs bore the names of Randolph, Vicksburg, Natchez, Baton Rouge, and New Orleans as places for which they took freight and passengers, but not Memphis. For a long time the *Etna* was the only steamer in the Memphis trade. The little town was hardly known. The city was yet in embryo. The world could not or would not see the possibilities of its future, as surpassing all of these places except New Orleans, and of its ultimately rivalling that so long metropolis of the Mississippi Valley. Jackson, Overton, and Winchester were nearly alone in their appreciation of the site and the results when population and industries should forever have driven silence away. The Indians were still the only customers the two or three merchants of the recently laid out town then had. Flat-boats monopolised its commerce, and horseback was still the general mode of travel.

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applauding shouts of the whole population, but with predictions that were afterwards repeated at other points down the river, that she would never return, that Mr. Roosevelt would find his engines could not overcome the momentum and velocity of the current. But at Louisville, where he was detained on account of low water on the falls, he convinced a party of gentlemen, whom he invited to dine with him, that there need not be any fear on that score, as while they were enjoying dinner he ordered the engineer to get the boat under way and steam up the river, which he did, at first to the consternation and afterwards delight of his guests. The passage of the falls was made in safety, but not without intense anxiety on the part of all on board, and the mouth of the Ohio was reached, when the convulsions and upheavels that worked so great a change on the east as well as the west bank of the Mississippi were at their height. The *New Orleans* experienced the first shock after she passed the falls, and they continued at sometimes very close intervals until after the Chickasaw Bluffs (Memphis) were reached. An island at the foot of which the *New Orleans* was tied up, sunk out of sight during the night, the noise of the trees grating against the side of the vessel creating fresh consternation. But she held to her moorings, and in the morning the hawser was cut and she went on her course. Between where Randolph now is and Memphis the *New Orleans* was pursued by a band of Chickasaw Indians in a large canoe; Mr. Roosevelt could not tell whether with hostile intent or not, but he thought discretion the better part of valor and put on all the steam possible, and soon left them far behind. The next occasion for excitement was a fire in the gentlemen's cabin, which threatened to envelope the boat. This was put out with great difficulty, but of course there was no more sleep that night. Every day seemed to have its special obstacles to success, and the minds of all on board were wrought up to a perfect tension, and sleeplessness became a prevalent disease. The Chickasaws called the strange craft "Penelore" or "Fire Canoe," and supposed it to have some affinity with the comet of 1811, to which was attributed the destructive earthquakes. At Natchez a grand reception awaited the *New Orleans*, and there Mr. Roosevelt gave proof of her power to stem the Mississippi and make good time up stream. Mr. Samuel Davis, afterwards of Philadelphia, who was among those to welcome Mr. and Mrs. Roosevelt, shipped some cotton on the *New Orleans*, the first ever carried by a steamboat. From Natchez to New Orleans was smooth sailing; nothing worthy of note occurred. The *Vesuvius* and *Etna* followed in quick succession, and steam navigation became a fixed fact.

During this year (1820) Jackson's name was given to the mound of Chisca, and to the island below the city, which since his first election to the presidency has been known as President's Island. In May Shelby county was organised, and three years later General Jackson sold his one-eighth interest in the town of Memphis to John C. McLemore.[1] This step it was said at the time was hastened by the tongue of scandal, which did not hesitate to say that the general had made use of his positions in the public services to advance the interests of Memphis. Careful investigation of the charge proved it wholly unfounded and without any basis in fact. The only thing that Jackson ever did for Memphis, in an official capacity, was to vote in 1824 in the United States Senate, of which he was then a member, for the construction of a road (still known as the Military Road) from Hopefield (the Esperanza of Governor Gayoso) to Little Rock. In 1822 a notable event occurred in the birth of John W. Williams, the first white child of American parents of whom there is any record.

In 1824 Lafayette, on his way to Nashville, landed at the Chickasaw Bluffs, accompanied, among others, by a woman who was destined to an historic notoriety—the philanthropist, Fanny Wright. She seems to have been charmed with the place, for the following year (1825) she returned and purchased 1,940 acres of land lying on both sides of Wolf River, northeast of Memphis, in the vicinity of Germantown and Ridgeway, which she named "Nashoba," and on which she erected suitable buildings and established a school for the education of negroes, of which the following named persons were the trustees: General, the Marquis de Lafayette, William McClure, Robert Owen, Cadwallader D. Colden, Richardson Whitby, Robert Jennings, Robert Dale Owen, George Flowery, Camilla Wright, and James Richardson. Her purpose, in this the first school of the kind ever established in the United States, was the better to prepare the pupils by a free, moral and intellectual and industrial apprenticeship for the duties of free citizenship, and thus to

[1] Colonel John C. McLemore, one of the leading pioneer settlers of the Chickasaw Bluffs, was a native of Orange county, N. C. He emigrated to Nashville, Tenn., in 1806, where he engaged in the profession of land surveyor, and was elected surveyor-general of the military district and a large portion of the State in 1811, and bought part of General Jackson's share in the John Rice grant, on which Memphis stands. He was a life-long associate of General Andrew Jackson, as well as a most confidential friend and adviser. He gave the name of Fort Pickering to that portion of the city, and it was his intention there to erect a monument to General Jackson. He was thoroughly cognisant of all the facts affecting the value of lands in all parts of Tennessee, and was most generous in giving information. With General Gaines he planned and aided in the partial construction of the railway to La Grange, extended after forty years, to Charleston. He even at that early date discussed and defined the route across the western plains to the Pacific. No man dispensed more charity, and hundreds of families in Tennessee are indebted to him for homes. He never failed to assist. He lost heavily by endorsing for his friends; yet he was rich, and what is better, enjoyed the popular confidence. He was courtly in manners and bearing, and was gifted beyond his time. His wife was the beautiful and accomplished daughter of Colonel John Donaldson, and niece of Andrew Jackson. Colonel McLemore died after a long and useful life in 1864.

offer to the people of the South a practical plan of gradual emancipation, with a view to the negroes becoming the missionaries of civilisation to their benighted race in Africa. In a biography which she wrote and published in Dundee, Scotland, in 1844, and which was re-published in Boston in 1849, she states this to have been her object, and continues: "That plan, when once undertaken by the States themselves, would necessarily secure to the Southern States of the republic a futurity of ever-increasing power and grandeur. The African race, trained and civilised by its American guardians, and leaving behind it for facile cultivation by the white race, would necessarily supply to the tropical countries colonists fitted by organisation no less than experience to vanquish their dangers and ramify the richest, though now the most deleterious, regions of the globe. The boundless regions open to colonisation around the Mexican Gulf, through the Panama Isthmus into the tropical belt now flooded by the Amazon and Orinoco, may employ the African during the generations of his training, when the southern section of the United States may have no further demand for his labor, and in that extensive region of the globe it may be the proud destiny of the trained African and of the Indian—won by a more benign civilisation than that which tames man but to degrade him—it may be the destiny of these two races—the one redeemed from servitude and the other from ferocity—to found an empire of wealth, beauty and freedom, where now stretches through degrees of latitude and longitude the deleterious swamp, peopled by the savage, the reptile and the beast of prey." Beautiful dream, vain hope, but encouraging incentive to philanthropic endeavor! It was worthy of the woman, who early and upon thorough investigation detected the fanatical nature and mischievous zeal of the Northern abolitionists. She wrote that "from the very outset she had but little sympathy with the professed abolitionists, among whom she usually found much zeal with little knowledge; and not unfrequently more party violence than enlarged philanthropy. *Hatred of the planter seemed oftentimes to be a stronger feeling than interest in the slave.*[1] Miss Wright reached these conclusions only after the closest investigation and most intimate inquiry. She examined in Washington all the laws of all the States in regard to slavery and to the free negro from colonial days to (1824) the period of her inquiry. She traveled through the greater portion of the Union, and in the South invited the personal views of the planters, whom she consulted as to her views and objects. She thus availed herself on every side of the "negro question," and, philosopher, as she was, proceeded to its solution in the way that had suggested itself to Jefferson and all the philosophic thinkers of the Revolutionary period. Gradual emancipation and technical education were her cures for the multiplied evils of slavery. She says herself that she "readily admitted the im-

[1] This was most vindictively shown during the civil war, and especially after and during the reconstruction period, from the surrender in 1865 to the presidential election in 1876.

possibility, even the absurdity, the danger to American institutions — alone fitted to guide and to regulate bodies politic, endowed with intelligence, and habitual to the exercise of sovereign power — the common ruin, in short, for the two races, of an act of simple enfranchisement similar to that which had been passed in the Northern States." She knew from observation the evil results produced by the mere governmental abolition of an evil which has its seat in the mind, the habits, and through hereditary influences in the very physical organisation of a race. She had distinguished at an early age that human enfranchisement — which is but another name for civilisation — is, in the beginning, a slow, gradual and complex operation; and that, to insure its certain advancement it must be made to move forward simultaneously in the soul of the internal man, and in the external influences that surround him. "It has been this conviction, which has ever more and more guided her efforts and moulded her views, as it has become ever more and more rooted and seasoned in her mind by observation, experiment and reflection." Thus believing in personal liberty, Miss Wright, after a thorough examination of the operation of the Harmony, on the Wabash River, Indiana, and the succeeding New Harmony, by David Dale Owen, condemned them as she did Economy, near Pittsburg, Pa., and all the Shaking Quaker establishments as organisations for labor, varied by mere psalm singing, where science or art had no part, and the free play of the affections was carefully excluded. "In consequence" of which "these communities presented nothing striking beyond well-cultivated farms and gardens and well-conducted manufactories." There were "no rising generations trained to excellence by the spur of emulation, and promising to start ahead of their predecessors, and to be themselves vanquished in their time by successors profiting by their example and experience, and by the ever-accumulating knowledge and capital of society, and that should be the result of united labor, or it fails of its object." After three years and a half of investigation and experience and philosophic speculation upon the negro question, Miss Wright "abandoned," as she says herself, "though not without a struggle, the peaceful shades of Nashoba, leaving the property in charge of an individual who was to hold the negroes ready for removal to Hayti, the year following," where they were liberated after being amply provided for. In this experiment Miss Wright anticipated the work of the New England abolitionists by one generation, and by as many years that assumed by the justly odious Freedmen's Bureau and the Congregational and Northern Methodist churches, the ministers of the latter operating in the South, forming a vindictive political propaganda under cover of Christ's name. Strange as it may sound, now, Miss Wright found many friends, not only in Memphis, but in the surrounding country, the abolition sentiment being so strong at the time in Tennessee that the gradual manumission of the slaves was openly and frequently discussed at public meetings, petitions to that end having been

presented to the Legislature in 1821, and afterwards to the constitutional convention of 1834. Miss Wright failed in her plan, owing to the mismanagement of her school during her temporary absence in New York and in Europe. She no doubt, too, injured herself and her cause very much by the avowal of free thought in matters of religion, and by the advocacy of divorce laws that were then regarded as squinting at free love, but have since been adopted by many of the States. She was denounced not only as godless, but immoral, and under a pile of abuse, of epithet and falsehood, her many good deeds and all her noble qualities were lost sight of. Miss Wright had recourse to all the methods now usual in this country with free-thinkers to get her views and keep them before the public. In New York she established *The Free Inquirer*, and purchased a church building, which she dedicated to science, inviting every one to use the columns of her paper, and to the free discussion of their opinions in the "Hall of Science." But she was not understood. She was a full half century in advance of her time. She could not gather nor make a *clientèle*. New York was provincial to a degree, and orthodox beyond any belief or hope in New England. The press, too, was narrow and contracted, was much given to brutal abuse of all who differed with the editors, who still had the oriental idea of woman as a temptation, as fruitful of sin and wickedness, as weak, vascillating, and childish, and without any power of discretion or self-protection. Miss Wright's position was an outrage upon all their preconceptions and notions, and they could not conceive of womanly purity and chastity being possible to one even so gifted, who made appeals as a public lecturer and otherwise usurped the functions hitherto sacred to man. They, therefore, without inquiry, and utterly reckless of the pain they were inflicting, assailed her as if she were a wanton. From this cruelty, this unlicensed persecution, she fled and found her way back to Nashoba, where she at once entered upon a frank consultation with her protégés, making them understand that their color was an eternal barrier to their equality in this country, and that if they would remove to Hayti they would there find a field wide enough for all their dreams and exertions at self-elevation. There they would find none but equals — persons of their own blood and lineage, and there be able to realise her purpose for them. Full of trust in one so kind, and confiding in her good sense, they accepted her proposition. She chartered a vessel and applied to B. Lundy to accompany them, but owing to a recent bereavement he was compelled to decline, and she undertook the task herself. Her friends tried to persuade her from the journey, but she persisted and safely landed the people in Hayti, the government of which country gave them lands and made a consignment of coffee to New Orleans to repay her for her outlay, but her consignees in that city robbed her, and on her return to New York Colonel William L. Stone, of the *Commercial Advertiser*, attacked her most slanderously, asserting that she had not freed any slaves, but

had hired so many free men and women of color to proclaim themselves her slaves; that the voyage to Hayti was a fine speculation, the Haytians having remitted duties to the amount of $9,000; and he plainly, without any warrant whatever, charged that a purse of one hundred doubloons had been handed to her as an equivalent for the familiarities with which she had indulged the president and other dignitaries of the black republic. But the bills of sale of the negroes and the custom house receipts, in the name of the captain of the ship, were still in her possession. With these and other incontestible documents she visited Colonel Stone and requested their publication. He could not refuse, and she was justified. This was the only slander she ever refuted or took the trouble personally to notice, and she would not have given this attention but for other than merely personal reasons. She had long before learned that philanthropists were always misunderstood, the good misrepresented and the unselfish persecuted. In November of 1831 the trustees of Nashoba — Robert Dale Owen, the Marquis de Lafayette, and the others named — restored that property to her, recording their conclusion as well as deed on file in Book E, page 228 of the Register's office of Shelby county, saying that Miss Wright had emancipated her slaves and colonised them in Hayti, and that the individual circumstances of said trustees prevented them from carrying on any practical experiment for the benefit of the negro race on said property; they therefore released the property to said Frances Wright. Frances Wright (Madam D'Arusmont) was born in Miln's Buildings, Nethergate, Dundee, Scotland, on the 6th of September, 1795. Her father's family, which originally came from the Northern Highlands, appears on the Dundee records as extensive holders of property as far back as the year 1500. Her father was the only son of a Dundee merchant, and was left an orphan under the guardianship of a man who took care of his property and had him thoroughly educated. While still a very young man, he was a correspondent of Adam Smith (author of "The Wealth of Nations"), Dr. Cullen, and other distinguished men of science and letters, both in England and Scotland. He was a ripe scholar and philosophic thinker, and a true philanthropist, who believed as he himself wrote, "that the spirit of the law and the tenor of the conduct of governments, in order to be well adapted to the mutual and ever-varying state of human affairs, ought constantly to change according to the existing circumstances and the temper of the age." The mother of Frances Wright, "on the father's side," as she herself tells, "issued from the Campbells, of Inverness (the Argyle branch), and the Stewarts, of Loch Arve, and by her mother's side, from the lettered aristocracy of England. The gifted Mrs. Montague was her grand-aunt, and Baron Rokeby (Friend Robinson), primate of all Ireland, and the most liberal prelate that ever swayed the Protestant assendancy in that island, was her mother's uncle. Her mother's brother was General William Campbell, a distinguished soldier in the East India Company's service, and an Oriental scholar. Miss Wright was early left an orphan,

and at the wish of her mother's father, General Duncan Campbell, was educated in England as a ward of chancery under the guardianship of her aunt, his sister. An uncle of hers, Archibald Campbell, settled in Baltimore, Md., before the Revolutionary War, and had two daughters, one of whom was the wife of Commodore Ridgeway, of the United States Navy. Those of her Stewart kinsfolk 'were out' with Prince Charles in 1745, and all of them paid for their fidelity to the ill-fated descendant of Mary with their lives. At the early age of fifteen she began her career of philosophic speculation, and being checked one day by a deep and shrewd mathematician and physician, who observed that her question was dangerous, she replied, 'Can truth be dangerous?' 'It is thought so,' was the reply." She learned on this occasion two things, the one that truth has still to be found; the other that men were afraid of it. This furnishes the key to her life-work; this, and her compassion for the poor, her love of liberty, and her admiration of the people of the United States. She was a philanthropist, pure and simple, made so by study, observation, contemplation and experience. According to David Dale Owen, savant and diplomatist, who knew her as his guest at New Harmony, of which he was the founder and head, "Frances and Sylvia Wright, who were left orphans at an early age, were of gentle birth and had large fortunes. They were wards of the distinguished philosopher, Jeremy Bentham, who had them educated according to his own peculiar crotchets, and very eccentric women he made of them; they fitted into no social map, into no domestic form. Frances had a strong, masculine mind and character; she took to the manly rearing Bentham gave her." Dale Owen first met them at Lagrange, where a remarkable set of young persons were assembled around its celebrated master, General de Lafayette; Ary Scheffer, the great painter, was one of the set. Dale Owen lost his heart to Sylvia Wright, who was a marvel of beauty; and Ary Scheffer fell hopelessly in love with General de Lafayette's granddaughter, Mathilde. Dale Owen said that Scheffer always put Mathilde de Lafayette's face in his pictures. Sylvia Wright also went to America. She was no orator, but quite as quixotic as her sister. She bought a large tract of land in the then far West, and hoped to help humanity by some impossible and grand agricultural scheme. Of her Owens said: "She was an accomplished, elegant woman, and very romantic; fond of the refinement and luxuries of life, but possessed with a desire to re-make the world according to the Community pattern." Her solitary western life naturally created a morbid, exalted state of feeling. One stormy night she was told that the chief of her farm hands was down with a fever. She went to his cabin, found him delirious, and nursed him faithfully several weeks. Owing to her care he recovered. He was a great, handsome, coarse animal, without education, decent breeding, or good morals; notwithstanding all this, the refined, beautiful, gentlewoman, Sylvia Wright, fell madly in love with the human beast. She married him! Of course he treated

her like a brute. It was the old story of "Titania" and "Bottom." After a few months she awakened from the horrid spell, and loathing her miserable mate fled from him, went to Europe, joined her sister, who adored her, and died of heartbreak and mortification, leaving a baby daughter. Frances Wright, who had married a Frenchman named W. Phiquepal D'Arusmont—a physician, naturalist and botanist, of some celebrity, the friend of Le Brun, the Duc de Plaisance—adopted her sister's child and called her Sylvia d'Arusmont. This girl ultimately inherited the large fortune of her mother and aunt.[1] Fanny Wright's was a noted figure in the streets of the little town of Memphis about 1824–26. She was exceedingly tall—five feet ten inches in height—and walked with a rather masculine stride, or swing. Like all preoccupied persons, she was awkward in her manner, and her mouth was in continuous movement. Her face was strong and seamed with the deep lines of thought, but softened by eyes full of tender compassion and sympathy, and as changeful and expressive as the emotions that so profoundly moved her heart. She was indifferent to dress, and often appeared wearing a man's hat, such as would now pass without remark, but that then was an aggravation of the exceptional eccentricities and ideas of a noble and philanthropic woman. Her life in Memphis is attested to have been an exemplary one. She was as far above impurity in thought or deed as pure women usually are, and was moved to the great work of her life at "Nashoba" by a spirit as lofty and a purpose as elevating as ever informed a human being. Her commanding figure and strident gait, her auburn ringlets and singular dress, coupled with her peculiar principles and her fearless advocacy of them, made her the most conspicuous person in all the country round. But she has long since faded from the memory of men, and is now only recalled as a woman who was in advance of her day, and suffered for it.

XIII.

IN January, of 1819, the cession of West Tennessee was ratified by Congress. It was even then improving rapidly. Emigrants from the middle and eastern parts of the State, from Virginia and both the Carolinas, were every day entering lands; public improvements on a large scale were being dis-

[1] Sylvia d'Arusmont, after the death of her aunt and uncle (her adopted parents), married her financial agent, with whom she travelled a great deal, especially in Europe, where they were among the first of the *beau monde*. After her husband's death, she came to this country to look after her estate, "Nashoba," where she now resides; one of her two sons being a deacon, preparing for priest's orders in the Episcopal Church, and the other a student of divinity at the University of the South (Episcopal), Sewanee, in this State. Like those of her mother and aunt, Sylvia d'Arusmont's life was romantic and eventful, and covered a wide range of experiences. She is a lady of the highest culture; well-read in the literatures of Europe. She covets retirement and is proud of the selection of vocation her sons have made, a vocation very, very far from the free ideals that made for her aunt and adopted mother, Fanny Wright, a world of her own.

cussed, and petitions had been sent to the Legislature, praying the levy of a tax for the improvement of all the rivers, to make them available as highways to the Mississippi. There were but two "traces" at this time in the Purchase, one of these passed near the site of Somerville over to what is now Haywood county, and so on to Fort Massac, in Illinois; another was the Natchez trace, which partly skirted the southern boundary of the State. Besides these a military road had been opened by the United States, and passed through the Purchase in a southwesterly direction. Jackson, now the county seat of Madison county, for a time the only town in the Western District, was the capital of the Purchase. Randolph, at the mouth of Big Hatchie, ranked it next in importance, and was the shipping port on the Mississippi for all West Tennessee, and for a time bade fair to intervene between Memphis and the consummation to any degree of the plans and purposes of the proprietors. In Jackson the first courts were organised, the first academy was established, and the first newspaper in West Tennessee was printed. In 1819 Hardin county was organised by an act of the Legislature. It embraced what is now Hardin, Fayette, Hardeman, McNairy and Shelby county. On the 1st of May, 1820, Shelby county was organised. It embraced what is now known as Fayette and Tipton counties, and was named after Governor Isaac Shelby. Now the wealthiest county in Tennessee, it is situated in the extreme southwestern corner of Tennessee, and contains an area of 720 square miles. The surface is, for the most part, undulating and extremely fertile. There is some alluvial soil along the creek bottoms and the rivers, especially the Mississippi, in the northwestern corner. The water courses are: The Wolf River, Loosahatchie River, Big Creek, Nonconnah Creek and Bayou Gayoso. "At the lowest points outside of the bottoms we have outcropping the La Grange Sands, in which occur beds of lignite, as at Raleigh, on the Wolf; then above this the gravel and sand of the orange drift, which appear on the slopes of the Bluff, and at the surface in the eastern part of the county; then above all, the Bluff loam or loess, upon which Memphis is built, and much of the best soil of Shelby rests. To these may be added the alluvium of the bottoms, the formation of which are the work of existing agencies and are of the most recent age."[1] There are mineral springs at Raleigh and Nashoba, both containing sulphur and iron, and both highly recommended for their curative properties. The remains of extinct animals found in the county are thought by geologists to be representatives of the genera mastodon, megalonyx, castor and castoroides. Some think these remains belong to diluvium of the Mississippi Valley, but Professor Safford thinks they are more probably from the Bluff loam. Long before the purchase, indeed before Tennessee had an existence even as a territory, North Carolina sold lands near the Chickasaw Bluffs, at two shillings per acre, or ten pounds per one hundred acres. Grant number seven-

[1] Killebrew.

teen of the series, for 5,000 acres, was sold to Samuel Harris. It was located near the mouth of the north fork of Loosahatchie River, and adjoined grant number 1010, made to John McKnitt Alexander, and grant number 572 to Robert Goodloe. John Gray Blount and Thomas Blount held grants for eight separate tracts of land, of 1,000 acres each, and numbered 117, 178, 190, 195, 219, 224, 225 and 239. Alexander McCullock had two grants—41 for 3,000 and 42 for 2,000 acres. Grant 86 for 5,000 acres was issued to Richard Cross, and was located on the north fork of the Loosahatchie. The John Rice grant, on which part of Memphis is built, was number 283. Grant number 561, issued to William Alston, lay on the north side of the Loosahatchie, and adjoined number 465 of 2,000 acres issued to James Robertson. The office of the surveyor of the Eleventh District was opened on the 6th of December, at the house of Thomas D. Carr, on the Fourth Chickasaw Bluff; present, Jacob Tipton, surveyor; William Lawrence, John Ralston, W. L. Byler, and the clerk, Alfred Taylor. Besides John Overton, who sold a few town lots at from $40 to $100 each, and also gave away a few to some friends present, there were land locaters present, Gideon Pillow, O. B. Hays, James Vaulx, M. M. Howard, James Walker and James Brown, representing themselves and others. The work of surveying the county and defining its limits, ordered by the Legislature to be done by Surveyor Tipton, was executed by his deputy, William Lawrence, who completed the work by July 30, 1823, his compensation being $142.75. The Court of Pleas and Quarter Sessions for the new county, was organized on the same day. Jacob Tipton made proclamation of the act and of his own powers under it, and administered the oath to Marcus B. Winchester, William Irvine, Benjamin Willis, T. D. Carr and Anderson B. Carr. John Read was chosen temporary clerk, and Thomas Taylor, sheriff, the first day; on the second William Irvine was elected chairman; William Lancaster, clerk; Samuel R. Brown, sheriff; Thomas Taylor, register; William A. Davis, trustee; Alexander Ferguson, ranger; Gideon Carr, coroner; William Bettes and William Dean, constables, and J. P. Perkins, solicitor. The bonds for the officers were fixed at $5,000, except for clerk and constables, and these were fixed at $2,000. There was some business transacted, as for instance, a tax of $6\frac{1}{4}$ cents on each 100 acres of land, and $6\frac{1}{4}$ cents on each white and black poll for a jury and poor tax; and a deed from Andrew Jackson and others to Benjamin Foy, for lot 55, was registered. A log court-house, which was ordered constructed, was made ready for occupancy in August, 1821, but it was not convenient or comfortable, court being frequently held at private houses; all legal documents issued by the court or officials being dated from the Chickasaw Bluffs. Isaac Rawlings, John Rawlston and Thomas Persons were the first commissioners to settle with the tax collector and trustee, and a patrol was appointed, consisting of John Magles, J. W. Oldham, Joab Bean, John Riddle, Russell Bean, and William Dean. The marriage licenses issued for

the months of May, June, and July, 1820, the first on record in the county, were: Russell Bean to Mary C. Harkelrood, O. W. Carr to Mary Hill, John Chandler to Sarah Cockraham, William Irvine to Mary Carr, Thomas W. Floyd to Polly Campbell, Jacob Beard to Peggy Grace, and Lindsey Shoemaker to Jane Moore. The marriage ceremony in these cases was performed by John Ralston, Jacob Tipton, J. B. Carr, and M. B. Winchester, justices of the peace. In December, 1824, the commissioners[1] appointed by the Legislature to select county sites for the counties of West Tennessee, selected Sanderlin's Bluff, on the north side of Wolf River, as the most suitable site for the county of Shelby. The site embraced in the neighborhood of fifty acres, almost equally divided between Wilson Sanderlin and James Freeman. A town was laid off by John B. Holmes, John R. Kent, Benjamin Robbins, and Fred. Christian, and lots were sold, the profits of which were devoted to the construction of public buildings. Raleigh was so named in compliment to Joseph Graham, the first Circuit Court clerk of the county, who was a native of Raleigh, N. C. He assisted the commissioners in locating the county seat, in December, 1824, the land being purchased from James Freeman and Wilson Sanderlin. A Mr. Tapp, from North Carolina, 1816, was the first settler in the neighborhood of Raleigh. He was followed by Dr. David Coleman, Benjamin McAlpin, John Only, James Wilson, W. P. Reeves, Wilson Sanderlin, Elias Pharr, J. R. King, Thomas Taylor, Abraham Bayless, Dr. Benjamin Hawkins, William Sanders, Jesse M. Tate, E. H. Porter, Jefferson Messick, J. E. Martin, S. M. Allen, A. B. Taylor, T. B. Smith, —— Reinhurst, and Benjamin Duncan. Being the county town, Raleigh grew rapidly, and in 1836 had a population of from 1,200 to 1,500 people. In 1826 F. S. Latham established the *Recorder*, and published it there until 1836. In 1829 an academy for boys was founded, and a few years later one for girls. At one time these mustered four hundred pupils; now there is not that number of persons in the town. There are now a Presbyterian and a Methodist church and a very good school in Raleigh, which is famous for its medicinal springs. Germantown, on the M. & C. Railroad, which now has a population of about two hundred, is as old as Raleigh, and was so named because of the large numbers of Germans who settled in the vicinity. The land on which the village stands was owned by Nancy Sheperd, whose father was a native of North Carolina and was one of the first settlers of the Western District. Germantown was noted for its business as far back as 1830, the first merchants being a man named Rash and two Germans named Lucker and Schieley. It was a place of some note between 1840 and 1850, and was incorporated in 1854, and again in 1880, on the petition of E. M. Cole, J. A. Thompson, and R. T. Anderson, and seventeen other citizens. Terribly scourged by yellow fever in 1878, it recovered, and is now a flourishing town with three churches and two well-conducted public schools. William Twyford

[1] James Fentress, Benjamin Reynolds, William Martin, and Robert Jetton.

was the first known settler in the vicinity of Germantown, in 1825; Joshua and Robert Ecklins opened land in 1833, and were followed by Epy White, Benjamin Robbins, J. D. White, John Gantt, Henry T. Jones, E. Pulliam, B. Willett, E. Amonett, E. Clark, Thomas Allen, and Thomas Davidson, in the northern part of the county. Bartlett, on the Louisville and Nashville Railroad, named in honor of S. M. Bartlett, was incorporated in 1866, and now has a population of about three hundred. It has three churches and an excellent school, and a flourishing trade. Major Bartlett, Dr. Washington Bond, John Bond, Dr. Samuel Bond, Joseph Ward, Joseph Blackwell, S. L. Berryhill, Joseph Locke, —— Crenshawe, and —— Prudens. Arlington, near the northern line of the county, on the Louisville and Nashville Railroad, formerly Withe Depot, was located in 1856, the ground, nearly five acres, being donated by General Samuel J. Hays. The first storehouse was built by John Dwyer, an Irishman, and the second by Alexander Donelson, and was occupied by Ike Berlin. In 1868 the town was laid off and was named Haysville, but as no post-office could be established of that name it was called Withe, until 1883, when it received its present name. It contains five hundred people, and has two churches and the Memphis District (M. E.) high-school. The first settlers in the vicinity of Arlington were Jacob Kirkendal, 1828; Jesse Osborne, 1829; Alexander Cothran, Jacob Peck, William Battle, J. M. Thomas, J. E. Kelly, Lewis Herring, Alexander Donelson, and C. A. Starr, in 1830; G. L. Douglass, 1832; John Poore, 1833; Joel Herring, 1836; George Cherry, 1842; J. Gray, 1845; and J. Royster, E. E. Greenlee, and William Exum, in 1846. Collierville is a very handsome town in the southeast corner of the county, on the Memphis and Charleston Railroad, and is the second in rank in Shelby county. Some business was done at this place in 1840, but it was not enough to encourage anything like rapid settlement. In 1848 S. B. Buford and J. B. Williford were the only merchants doing business. During the Civil War it was almost destroyed, and it was the scene of two engagements between Federal and Confederate cavalry detachments. It revived rapidly after the war, and now has twelve hundred inhabitants, two fine schools having between them three hundred pupils, four churches, and a great many prosperous business houses. Collierville was incorporated in 1870. In 1821 Weakley, Madison, Henderson, and Henry counties, West Tennessee, were formed by act of the Legislature; in 1822 Carroll county; in 1823 Obion, Gibson, Dyer, Haywood, McNairy, Hardeman, and Tipton; and in 1824, Fayette. In 1835 Benton and Lauderdale counties were formed; in 1845 Decatur; in 1870 Lake; and in 1872 Crockett. Somerville was made the county seat of Fayette county, Brownsville of Haywood (named after the distinguished jurist and historian), Dresden of Obion, Bolivar of Hardeman (named after the South American liberator), Dyersburg of Dyer, Gibsonport of Gibson, and Covington of Tipton county, which was so named after Gen-

eral David Tipton, who was killed by Indians in 1791, while bravely leading his troops.

In 1820 the people of the State were still suffering from debt. They were living too fast—far beyond their means; had but little legal money, and were forced to transact most of their business with a currency that, as has already been stated, was subject to a heavy and variable discount. Governor McMinn was again appealed to for relief, and in July, 1820, the Bank of the State of Tennessee was chartered upon his earnest recommendation, the capital being fixed at $1,000,000 in bills payable to order or bearer, all of which shall be emitted on the credit and security of the borrowers, and the whole to be warranted by the State on the proceeds of the sales of its unappropriated lands, the interest of the money arising from the sale of lands south of the French Broad and the Holstein. The home bank was located in Nashville, and there was to be a branch at Knoxville. Bills were to be issued of denominations of not less than one dollar nor more than one hundred dollars, and the directors and officers were to be elected by the Legislature. The whole amount of stock sold to the public amounted to $250,000, $87,500 in the East, and $162,500 in West Tennessee. It was empowered to make loans to citizens of the State on real or personal property secured by mortgage. Propped and strengthened by every conceivable device except that of the only real tangible basis for banking, the notes of this bank were not appreciated by the public as it was hoped, and they were far from par, nor could any of its bonds, which could only be sold at par, be disposed of. The reason for this is plain; bank notes were not a panacea for over-trading, and however plentiful, they could not be procured by the masses except by labor, the sale of commodities, or by borrowing. Governor McMinn, whose bantling it was, in a congratulatory message said that "the beneficial influences of the bank had to a limited extent been already seen and acknowledged in every part of the State, and the credit of its paper been sustained upon a scale equalling, the expectation of its earliest supporters." But he was compelled to acknowledge that "the paper of the bank, like that of every other in the West, was held at a value below the standard of gold and silver or the paper of the banks of the Eastern States." Even the much-lauded act of 1819 was not availed of by the people. It forbade execution to issue within two years, unless plaintiff will endorse thereon an agreement to take notes of the State Bank of Tennessee and the Bank of Nashville or branches, or the notes of banks taken by these banks at par; and the Bank of the State of Tennessee had the same privilege extended to it. But even this afforded little relief. The people had no confidence in the new bank, or indeed in any of the banks, and were still clamorous for relief. The depression had not been relieved. Governor McMinn seemed to believe that the prosperity of a State was in proportion to the quantity of money in circulation. The more money the more prosperity; and he, no doubt, held as his

chartering the Bank of the State of Tennessee proved, that in the absence of gold, paper money might be issued upon the faith of the State or any security that for all other purposes would answer but for those of gold and silver, the only money that has the confidence of the commercial classes, resting as it does upon a basis of international consent as well as its intrinsic value by weight. But Tennessee was young, and in common with most of the States of the Union had still its financial lesson to learn. During this condition of things, in 1821, General William Carroll was elected governor, an office he filled for six terms, twice reaching the constitutional limitation. Next to Jackson he was the most popular man in the State, and was held in affectionate esteem by all classes. He came to Tennessee from Pittsburgh, where he had been a merchant. A man of high character and some education, he soon attracted the attention of Jackson, with whom he was always on friendly terms. General Carroll bore a distinguished part in the Indian and British wars in the Southwest under Jackson, 1813–14–15. As inspector-general of the army, he behaved with conspicuous gallantry in the battles of Talladega, Emuckfau, Enotachopeo, and Tohopeka, a series of actions which annihilated the military power of the Creek nation, then the most formidable on the continent. He succeeded Jackson as a major-general of the Tennessee militia, and was second in command at New Orleans. It was his troops, supported by the Kentuckians under General Adair, that repulsed the British attack on the 8th of January with such unexampled slaughter. He was twice elected governor of the State, and might have received higher civil distinction but for his comparatively early death at the age of fifty-six. General Carroll and General Coffee were selected by President Jackson for high commands in the volunteer army of 349 regiments he proposed to have called into service, had nullification been carried to an extremity by the South Carolinians. In 1814, after the Natchez fiasco, General Carroll fought a duel with Thomas H. Benton, General Jackson being his second, and wounded his antagonist, not in a vital, but an inglorious, part, receiving a shot in one of his fingers. This affair led to a feud between Jackson and the Bentons and to the bloody rencounter at the Nashville Inn, where "Old Hickory" received a wound from which he suffered until he died. The evening before this bloody fracas General Carroll called on Jackson and told him that very pressing business would compel him to leave town early next morning. "Go by all means," was Jackson's testy reply, "I want no man to fight my battles." The bucks of the town, who disliked Carroll and were jealous of his advancement, repeated this to his disparagement, but it was not remembered after the Creek war, in which Carroll distinguished himself for personal courage and for something like generalship "in handling his men." "He was," said a comrade, "the coolest man upon the field, and in action was a reckless, desperate fighter." Besides these enviable qualities as a soldier, he had all the qualities of statesmanship,

S. N. Dennison

and was quick, by the recommendations he made in his first message, to contrast his common sense with the make-shift policy of McMinn. He saw plainly that the property law, the issue of paper money, the loan office and the stay and replevin laws, were inadequate as measures of relief, and he recommended industry and economy as the only means to reach the desired end, and an act providing for as prompt a return to specie payments as circumstances would permit as the only legislation that could in any way help the people. Some one suggested that a consolidation of the different banking institutions would restore the currency to a sound state. To this Governor Carroll responded: "If they are solvent and continue so they have nothing to fear; if they are unsound a union of unsound parts can never make a perfect whole." He recommended a thorough examination of the condition of all the banks, and to name a day when in concert they could resume specie payments. These recommendations were promptly carried out in law, and on the 1st of April, 1824, specie payment was to be resumed by all the banks. This had the predicted effect. Governor Carroll, in his message in 1822, was "happy in having it in my power to say that the pecuniary embarrassments of the country have been greatly diminished by the industry of our citizens, and the surplus produce of the last year." As the time approached for resumption, predictions of disaster, the most foolish, were indulged in, among them being that the specie would be sent to New England, and the banks would be compelled to ruin their creditors to meet their obligations. But Governor Carroll continued to cheer the people and urge the necessity for a sound currency, in view of the fact that the Supreme Court had declared the endorsement and stay laws unconstitutional. All the banks but the Bank of Nashville resumed at the appointed time, and it was ultimately compelled to wind up its affairs. In his message of 1825 Governor Carroll finds it "pleasing to reflect upon the prosperous and happy condition of the State; our citizens are no longer oppressed by pecuniary embarrassments; they have been relieved by economy and their own exertions, and not by the passing of laws interfering between creditor and debtor, which never fail to injure the interests of both. Our population is increasing with astonishing rapidity." But besides this Governor Carroll conferred other benefits upon the State. He reformed the judiciary. There was, when he entered upon office, no defined jurisdiction in any established court, various tribunals had concurrent jurisdiction, and clashes of authority were frequent and troublesome to bench, bar, and clients. He recommended separate courts of chancery, separate courts for trial by jury, and the repeal of the law granting concurrent jurisdiction to the circuit and county courts. These reforms, repeatedly urged by Governor Carroll, were enacted into law in 1827. He constantly urged upon the Legislature the erection of a penitentiary, and the abolition of the pillory and the whipping-post and other brutal and sanguinary methods of punishment; the improvement of the mili-

tia; the enlargement of the bounds of public education and the extension of internal improvements; and these were enacted by the Legislature in 1829, when he was re-elected governor to succeed William Hall, who, as speaker of the Senate, succeeded Governor Houston when he resigned. Houston was inaugurated at the Baptist Church on the 1st of October, 1827, and was married on the 22d of January, 1829. Shortly after he separated from his wife on account of a domestic difficulty, of which many versions have had currency, the prevalent one being that Houston was jealous and suspicious of his wife (*née* Miss Eliza H. Allen, daughter of John Allen, of Sumner county), whom he always, however, declared to be a chaste, good woman. In his letter of resignation Governor Houston said: "In dissolving the political connection which has so long and in such a variety of forms existed between the people of Tennessee and myself, no private afflictions, however deep or incurable, can forbid an expression of the grateful recollections so eminently due to the kind partialities of an intelligent public. . . . That veneration for public opinion, by which I have measured every act of my official life, has taught me to hold no delegated trust which would not daily be renewed by my constituents, could the choice be daily submitted to a sensible expression of their will; and, although shielded by a perfect consciousness of undiminished claim to the confidence and support of my fellow-citizens, yet delicately circumstanced as I am, and by my own misfortunes, more than by fault or contrivance of any one, overwhelmed by sudden calamity, it is certainly due to myself and to my respect to the world that I should retire from a position which, in the public judgment, I might seem to hold by questionable authority."

1827--1850.

I.

MEMPHIS[1] was chartered in 1827. In January of the previous year a charter had been passed by the Legislature, but at the instance, it was alleged, of the proprietors. It was a surprise to the people and created a sensation. It occasioned a great deal of indignation. It had been, it was asserted, smuggled through the Legislature, and passed in the interest of the proprietors that they might secure most of the profits of the growth of the town. A public meeting was held, at which free vent was given to the feelings of the indignant citizens, and an amendment was adopted defining the town limits, thus endorsing the very thing complained of. The charter thus amended passed the Legislature in January of 1827,[2] and was followed by the election in March of the following named persons to serve as aldermen: George F. Graham, John R. Dougherty, William A. Hardy, John Hook, M. B. Winchester, Joseph L. Davis, N. B. Atwood. After organising as a board of aldermen, and at their first meeting, they elected M. B. Winchester mayor. Major Winchester was not the most popular man in the town. He was the agent of the proprietors,

[1] Men-Nofer, "the good place," perverted Memphis by the Greeks. In Coptic Menfi, or Menofre, "good abode," or "the abode of the good one," supposed to refer to Osiris (one of the principal deities of the Egyptians). In hieroglyphic inscriptions, according to some, Ma-en-ptah, abode of Ptah, the father of the God of the Sun (another of the Egyptian deities). In the Bible, Noph, or Moph.

Mr. J. J. Rawlings, still living, says "he remembers it to have been current at the time that it was thus named by Mr. Isaac Rawlings, a distant connection of his, who was an Indian agent, located at Fort Pickering." But the name is generally attributed to General Andrew Jackson.

[2] The Memphis *Advocate and Western District Intelligencer*, Parran & Phœbus, proprietors (the first newspaper published at the Chickasaw Bluffs), in one of the numbers of that same month, announces, as the all-important fact of the day, that "a town had been laid off by the owners of land, and they propose to sell the lots on accommodating credits to improvers." William Lawrence (a civil engineer) and the new mayor and postmaster, Mr. B. Winchester, were the agents.

In 1826 each of the proprietors of the town subscribed $100 to establish a newspaper—the Memphis *Gazette*.

and was the son of Jackson's friend and fellow-soldier, General James Winchester. Isaac Rawlings, who first came to the Bluff as a sutler, and had been an Indian agent, and the government store-keeper when Fort Pickering was abandoned, was a much more important personage and might have had the honor, but he did not care to make a contest. He had been elected the first magistrate by popular acclamation, and although he had no commission, dispensed justice without fee or costs, to the satisfaction of the people. When "Old Ike," as he was called, ordered a prisoner to be taken out for thirty-nine lashes on the bare back, it was done. There was no appeal from his verdict. "In cases of debt, there were no exemptions or stay laws," yet "'Ike' gave such time or exempted such property as he thought proper, and rarely failed to give satisfaction."[1] It was against a man thus secure in the confidence of the people, that young Winchester was pitted. He was a singularly handsome man, of winning manners, polished address, for the time rather foppish in dress, and therefore a great contrast with his surroundings, but he proved himself equal to the duties of mayor, notwithstanding he was handicapped by his connection with the proprietors, who, just at this time, were not in a good odor with the townsfolk. Mayor Winchester was born on the 28th of March, 1790, at Craigfont, Sumner county, Tenn., and was educated in Maryland. He entered the army in 1812, served on his father's staff, was captured with him at the defeat of the American army by the British, at the River Raisin, and was held a prisoner in Quebec for nearly a year. He subsequently served with his father at New Orleans, after which (in 1815) he settled in Memphis and embarked, with A. B. Carr for partner, in business, becoming the rival of Isaac Rawlings. Winchester made a good mayor, and won the public confidence to such a degree that the unlettered men of business, of whom there were a few, would not touch paper money until he had passed judgment upon it. He was a kind and just man, and opened accounts with all of his slaves with a view to their being made ready for emancipation. He enjoyed the confidence, especially of women, and was much sought for by travellers, among them Mrs. Trollope, the novelist, and Mrs. Ann Royal, the editor of a scurrilous sheet, *Paul Pry*, which she published in Washington. Mayor Winchester was also a friend of Fanny Wright, and helped her in her scheme of negro education. He was very useful to the young city, and was beloved by its people.

Memphis, at present the "taxing district of Shelby county," is situated in Shelby county, Tennessee, latitude 35° 7′ north, longitude 90° 7′ west, with a greatest altitude of 287.44 feet above tide-water in the Gulf of Mexico. An area of 2,590 acres is embraced within the present city limits, the outlines of which approximate the figure of a truncated right-angled triangle (or trapezoid), the truncated extremity (8,175 feet) being the northern boundary; the perpendicular (13,050 feet) the east boundary; the base (11,625 feet) the

[1] James D. Davis.

southern boundary; while the hypothenuse (17,000 feet) is the water frontage on the Mississippi River. The city limits were materially enlarged in 1867–68, so much so that they embraced 4,114 acres at the time when the ninth census was taken; and much of this additional area was as thickly settled as the average of the former or present area. During the session of the State Legislature of 1871 and 1872 another change was made, and the area was reduced to the present city limits, a reduction which cut off 37+ per cent. of territory and 39+ per cent. of population.[1] The site of Memphis and the country immediately surrounding it is the Fourth Chickasaw Bluff, a loess formation, consisting of a fine siliceous loam, of a rich chrome yellow or buff color. This is superimposed upon a varicolored stratum of sands and gravel, locally known as the "orange sand," a southern extension of the drift formation, and immediately beneath which is found the La Grange group of clays and sands of the Tertiary period. The "orange sand" stratum is nearly horizontal, so that it is reached at varying depths according to the thickness of the loam above it. The bluff formation is well defined along the southern half or two-thirds of the river front of the city, where it presents a bold, almost perpendicular western face, cut through by street openings to the levee. Its greatest elevation is in the southwestern section (on Tennessee street, near the corner of Talbot), where it rises to a height of 67.9 feet above the highest water mark, that of 1867. From this point, along the river front, it gradually descends toward the north, until it is lost in the valley of Bayou Gayoso, some 1,500 feet south of the north boundary. Toward the south the inclination is much less, so that at the south boundary near the river, the highest bluff level is still 57 feet above high water. North of Bayou Gayoso the bluff again rises, but recedes from the river at a much greater angle. Extending back (east) from the river the surface is undulating, with the long axes of the swells and depressions in general north and south lines, except in the northern portion ("Chelsea," "Scotland," and the upper part of "The Pinch"), where the long axes run nearly east and west. Through the depressions flow a series of bayous which form the natural drains of the area, only a narrow strip along the river front draining into the Mississippi River, except in the extreme northwestern portion of the city. Of these bayous, the Gayoso and Quimby are the most important. Bayou Gayoso (with its east and west forks, and its tributaries, the Little Betty and De Soto) drains the southern and central divisions of the city, and flows in a general northerly direction until it receives Bayou Quimby with the drainage of the northern division, when it pursues a northwest and west course, emptying into the Wolf River at a point about 2,500 feet above the junction of the latter stream with the Mississippi. This natural drainage, flow-

[1] Besides which the population was decreased between 1873 to 1879 fully ten thousand, by deaths from epidemics of cholera and yellow fever, and as much more by the emigration of persons disheartened by the so frequent occurence of this disease in one decade.

ing mainly from south to north, is still further supplemented by minor undulations running at nearly right angles with the above. As the original conformation of the site has not been materially changed, these undulations afford lateral drainage communicating with the main system, and, with the exception of the localities to be hereafter specified, this surface drainage is ample, even for the heaviest rainfalls. The average width of the bayous within the city limits varies from ten to twenty-five feet, measured at about mid-height of the banks, and the volume of water varies with the rainfall and stage of water in the Mississippi. There are but few springs emptying into the bayous, so that their contained water is mainly made up of the surface drainage and of what is locally known as "sipe" water—water which has penetrated below the surface and gradually oozed out through the banks of the bayous. During high water in the Mississippi, the river water enters the bayous and "backs up" the contents of the latter, this "backing up" having been known to extend for over a mile through the most densely settled parts of the city, and leaving behind it, in the bed of the lower part of the bayou, accumulations of mud or silt, of varying depth, to be washed away by the first torrential rain. Including the city, an area of upwards of 5,000 acres is drained by the bayou system; the total length of Bayou Gayoso, from Wolf River to its head, being five and a half miles, with an inclination of one foot in 180 in the city limits; the total length of Bayou Quimby, from its junction with Bayou Gayoso to its head, is a little less than four and a half miles, with an inclination of about 140; and the total length of Bayou De Soto, from its junction with Bayou Gayoso, to its head, is two and four-fifths miles, with a slightly greater inclination than that of Bayou Quimby. Wolf River enters the city in the extreme northwestern section, constituting practically its northwestern boundary for an extent of about 4,000 feet. It is an exceedingly tortuous stream, flowing through cypress swamps and cane-brakes for about sixty-five miles, and receives the Loosahatchie River just at the northern boundary of the city. Like the bayous, it is "backed up" when the Mississippi River rises more than fifteen feet above the low-water mark. The chief importance of the Wolf consists in its being to a large extent the source of the water supply of the city, as above intimated. The extreme range between high and low water in the Mississippi at Memphis, is about thirty-five feet, and a gradually shelving shore of varying extent is thus alternately covered and exposed.[1]

Memphis, as originally laid out, was merely the eastern part of the Rice grant of 5,000 acres, all that part lying west of Manasses street. On page 133 of Book A, in the Register's office, an agreement is entered, dated January 6, 1819, which was filed January 1, 1823. The parties to this instrument were Andrew Jackson, John Overton, James Winchester,[2] for himself and de-

[1] Survey of the United States House-to-house Inspection Commission in 1879.

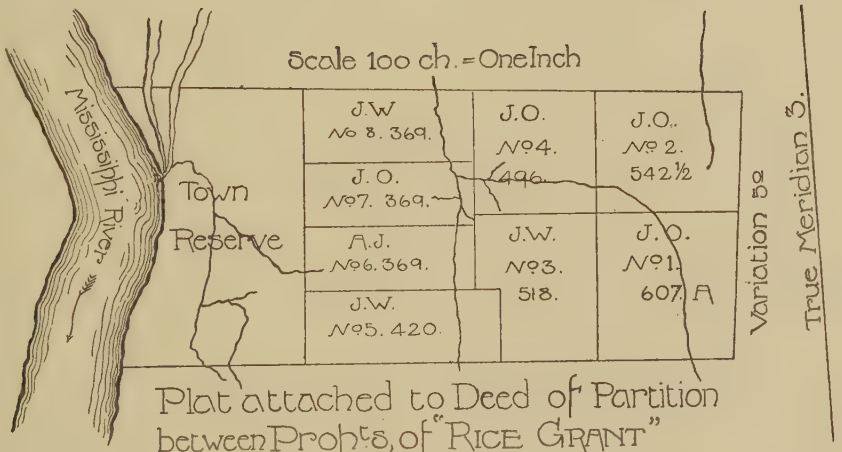
[2] The agreement under and by virtue of which this was done, was, as it appears on the

Scale, 200 Poles to the Inch.

EAST, 1377.9 POLES.

WEST, 1304 POLES.

ORIGINAL PLAT OF THE JOHN RICE GRANT.



Plat attached to Deed of Partition between Proh^ts, of "RICE GRANT" Made by Wm LAWRENCE, Dep^y, Surv^r

Book B, p. 150.

NOTE.—In above map the initials J. O. indicate John Overton; A. J., Andrew Jackson; and J. W., James Winchester.

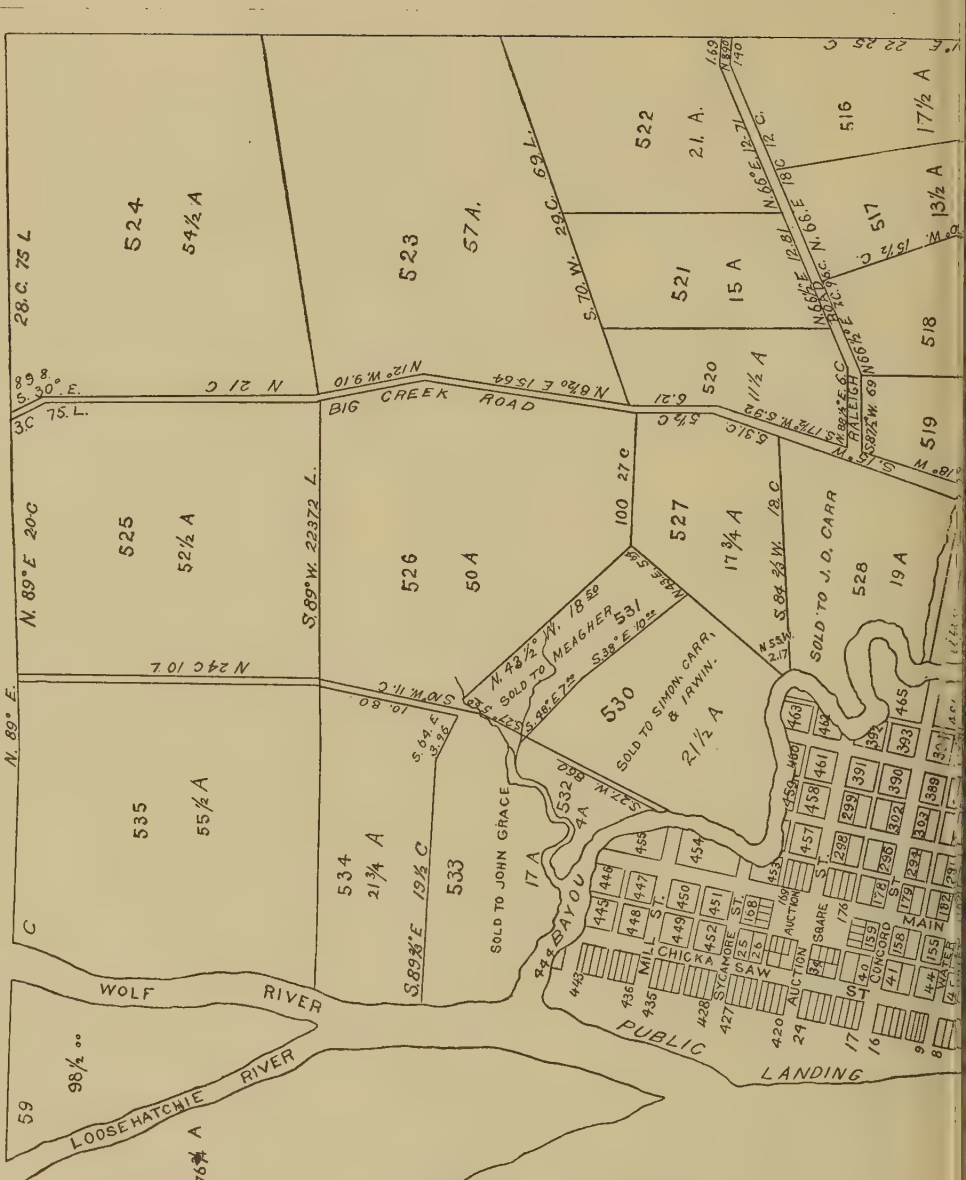
visees of William Winchester, and it "relates to laying out a town on that part of premises described in No. 1 herein, lying south of Wolf River and within one mile of the Mississippi River, provided that in case of the death of one or two of the parties hereto, the survivors shall have full power to lay off and dispose of lots in said town, and that no future transfer of interest in said land shall affect the terms of this agreement," which was "to remain in force ten years." The sequence of this was a partition and plan, dated December 5, 1822, and filed for record October 20, 1828, in Book B, page 148, in the Register's office, the parties to which were John Overton, James Winchester, Andrew Jackson, William and George Winchester, by their attorney-in-fact, James Winchester, said parties, tenants in common of part of the Rice 5,000-acre grant, lying east of the town reserve, adopt the division thereof, by William Lawrence, into eight parts of equal value (see Map No. 1), and having allotted the same by ballot, in which . . . . . drew division, marked in the plot . . . No. . . acres, . . . the several parties hereto quitclaim to each other in severalty, according to said division. In the appended notes of survey said division is properly described. The grant thus divided was made by the State of North Carolina to John Rice,[1] and may be found set out on page 149 of Book A, in the Register's office; it is dated April 25, 1789, and is numbered 283, the consideration being £500. It is signed by the governor and secretary of state, and "grants 5,000 acres of land on the Chickasaw Bluffs; beginning about one mile below the mouth of the Wolf

records of the Register's office of Shelby county, as follows: "Andrew Jackson, John Overton, and James Winchester, agreed on the 6th of January, 1819, the same being filed for record on January 1, 1823, probate being in person by Jackson, in open Circuit Court, Davidson county, Tenessee, and by Overton and Winchester in open Circuit Court, Williamson county, Tennessee, relative to laying out a town on that part of premises described in No. 1, herein lying south of Wolf River and within one mile of the Mississippi River, provided that in case of the death of one or two of the parties hereto, the survivors shall have full power to lay off and dispose of lots in said town, and that no future transaction of interest in said plan shall affect the terms in this agreement, which is to remain of force for ten years." At the end of this ten years, on the 20th of July, 1869, there was filed in the Court of Common Pleas and Quarter Sessions of Shelby county, Tennessee, the petition of John Overton, John C. McLemore, William and George Winchester, for division of unsold lots, fractions and country lots, in and adjacent to Memphis, of which Overton owned one-half, McLemore one-eighth, the heirs of General James Winchester, one-fourth, and devisees of William Winchester, one-eighth. The commissioners appointed reported a division, which is of record, and the court confirmed the report and vested title in accordance therewith.

[1] It is not known whether John Rice, the first proprietor of the site of Memphis, ever visited the Chickasaw Bluffs; but it is more than likely that he did, as he was a trader, who perhaps made trips to Natchez, as Andrew Jackson and General Wilkinson did a few years later. We know that he met his death at the hands of the Indians (1791) on the Cumberland River, while on his way back to Nashville from such an expedition. This sad event brought his purchase into the market, and John Overton, then a young attorney, bought it (July, 1794) for himself and Andrew Jackson, his law partner and friend, who just at that time was fighting the Indians at Nickajack and Running Water.

River; thence north 20 south, 226 poles; thence due north 133 poles; thence north 27 west 310 poles; thence due east 1,377 9-10 poles; thence south 625 poles; thence west 1,304 9-10 poles to the beginning, as set forth in the copy of the original plot here given." This grant was made over to Elisha Rice by John Rice, by will, dated June 14, 1784, and not filed for record until September 4, 1847, when it was entered on page 391 of Book X. This will, which bequeaths to said Elisha Rice "the tract of land called Chickasaw Bluffs," was probated in open Superior Court, of the Territory of the United States, south of the Ohio River, the handwriting of the said John Rice being proven by three persons, there being no subscribing witness to said will. Elisha Rice, on the 26th of July, 1794, conveyed to John Overton, by warrantee deed, registered on page 320 of Book X, on the 12th of August, 1847, for £1,000 paid, the same 5,000 acres as is described on page 149 of Book A, as the property of John Rice. There is no record in the office of the Register of Shelby county of the sale of one-half of the Rice grant to Andrew Jackson, but that such a sale was made is certain, as we learn from a quit-claim dated December 12, 1818, filed for record on the 20th of July, 1829, and registered on page 218, Book B, and probated by two subscribing witnesses in open County Court of Davidson county, Tennessee, that Andrew Jackson sold and conveyed to James Winchester, for the sum of five thousand dollars paid, an undivided one-eighth of the premises described in Book No. 1 herein, being one-fourth of the interest conveyed to said Andrew Jackson by John Overton, on the 29th of February, 1794, by deed recorded in Davidson county, Tennessee, in Book D, page 48. This sale, it is worth while recalling here, was made by General Jackson to General Winchester, when his conduct of affairs in Florida was being investigated, and he was being vindicated by Adams, by Congress and by the Democrats all over the country. It was made, too, a few weeks after, when, with his old friend Shelby, then governor of Kentucky, he had consummated the purchase of the Western District from the Chickasaw Indians. The proprietors of the Rice grant were now John Overton, one-half; Andrew Jackson, one-fourth, and James Winchester one-fourth. For these parties William Lawrence, surveyor, made a survey of the said grant on the 28th of July, 1820, recording[1] the same on page 56, in Book A,

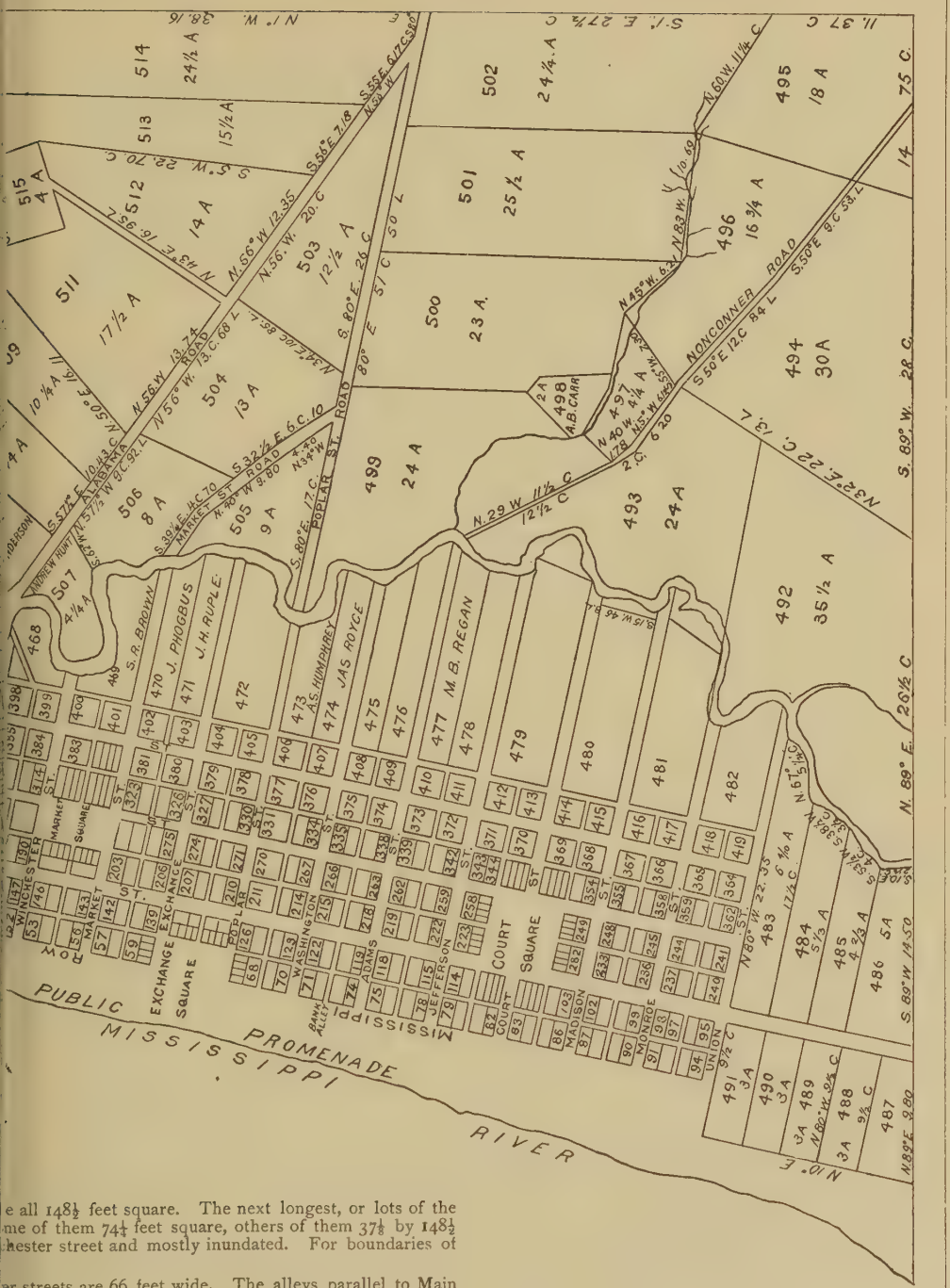
[1] In the map (No. 2) of this survey by Lawrence there is a small, irregularly-shaped lot marked "2 A, 498 A. R. Carr." For many years this was known as Carr's tanyard, having been used by Anderson B. Carr as a tannery. After going through several hands it was sold in 1851 by Sterling Fowlkes to the Memphis and Charleston Railroad Company, who purchased in 1852 the southern and eastern portions of their grounds (in lots 497 and 500) of the heirs of John Overton. In 1853 they purchased of John Overton another part of county lot 500, and 2.73 acres of county lot 499; in 1858 they bought of Peter Heistand two small parts of the same county lot; and in 1873 they acquired from the heirs of Ann C. Brinkley all the lands west of Lauderdale street and south of Adams, adjoining what they had previously bought. These conveyances brought the Memphis and Charleston Railroad depot grounds to their present shape.



The longest lots of regular shape, being north of East second size, are all 74¼ by 148½ feet. The lots of the third feet. The fractions are these small pieces on the Bayou County lots, see Report accompanying this plan.

Chickasaw, Main and Winchester streets are 82½ feet street are 24¾ feet wide. The cross alleys are 16½ feet wid

SCALE, 12½ CHAINS



e all 148½ feet square. The next longest, or lots of the me of them 74¼ feet square, others of them 37⅛ by 148½ hester street and mostly inundated. For boundaries of

er streets are 66 feet wide. The alleys parallel to Main —[Vol. 34, page 200.

LES TO THE INCH.

BY WILLIAM LAWRENCE, IN 1819.

in the Register's office. This survey was made by virtue of grant No. 283, dated April 25, 1789, for 5,000 acres to John Rice, by the State of North Carolina. William Lawrence certifies that he has surveyed 5,000 acres of land in Shelby county, range 8, section 2: Beginning on river bank, 104.81 ch. below where Wolf River enters the Mississippi; thence N. 28° E., 2.62½ ch.; N. 23° E., 30.37½ ch.; N. 18° E., 13.50 ch.; N. 13° E., 3.50 ch.; N. 24° E., 3.50 ch.; N. 13° E., 10 ch.; N. 11° E., 5 ch.; N. 12° E., 6.81 ch.; N. 20° E., 6 ch.; N. 11 ch.; N. 7° W., 6 ch.; N. 6.50 ch. to mouth of Wolf River; N. 6° W., 3 ch.; N. 18° W., 5 ch.; N. 22° W., 9 ch.; N. 30° W., 15 ch.; N. 28° W. 5 ch.; N. 24° W., 2 ch.; N. 32° W., 26 ch.; N. 25° W., 5 ch.; thence E. 344.50 ch.; thence S. 156.25 ch.; thence W. 342 ch. to the place of beginning.

Jackson, it was said at the time, was the author of a well written article which appeared in the Philadelphia *Portfolio*,[1] some say the *Aurora*, in the spring

[1] Judge Breckenridge, the friend of Jefferson, who knew and served in the army with Jackson, declared that the old hero could not write, and Duane asserted that "he had no distinct ideas on any subject." Judge Breckenridge said of Jackson's farewell address that "is in all probability the production of some such father of his country as Amos Kendall, with just a sufficient spice of Jacksonism to give it *vraisemblance*. *I know something about these farewell addresses*, having written two of them for him. The first of these was on the occasion of his taking leave of his command in the army. The only part of it which was his, was an uncouth memorandum, containing some illiberal and ungentlemanly reflections on a brother officer, who stood high in the estimation of his country (General Brown), but who, in a military order, had been so unfortunate as to speak with disapprobation of the practice of whipping in the army; and this was all he contributed to the address. The paternal advice to the young officers, and the fine military and patriotic feeling which breathed through the rest of it, were altogether dramatic. The other State paper was on his leaving Florida, where he had displayed his *excessive energy* for some months as military and civil governor. 'You know,' said he, 'what will suit.' Accordingly, I wrote an address, without a single suggestion from him, and which was signed without a single alteration. The address alluded to was often quoted to prove the fitness of General Jackson for civil government, to show his exalted love of liberty, and the absence of dangerous ambition in his nature. It was highly eulogised as his production. I own I had some design, by contrast, in portraying out what a governor *ought to be*, to express my opinion of what *he was*.' The incapacity of General Jackson has become so proverbial, that it would be mere affectation of delicacy to be silent. Mr. Duane has declared, 'that he has no distinct ideas on any subject,' and Mr. Berrien very significantly says, 'that which I sign, I write;' meaning that Jackson signs that which he does not write. At the commencement of his administration, a pleasant anecdote was related to me by one of the clerks in the Department of State. General Jackson, having received a complimentary letter from Bustamente, president of Mexico, sent it to the office with the following laconic endorsement: 'Mr. Van Buren will reply to the letter of General Bustamente *with the frankness of a soldier*.' The secretary laughed heartily at this conceit, as he was neither a soldier nor remarkable for his frankness." It is true Jackson was not scholarly, but he was always very well informed as to the affairs of the day, and had the faculty of expressing himself with the directness that characterised his actions. Parton says, answering the statement that the hero could not spell, that "Jackson lived at a time when few men and no women could spell, and that he spelled better than Frederic the Great, Marlborough, Napoleon or Washington."

of 1820 (some weeks before any of the lots were sold), in which he says that "this [the Chickasaw Bluffs] is the only site for a town of any magnitude on the Mississippi between the mouth of the Ohio and Natchez. The western bank is uniformly too low and is subject to inundation, and the eastern affords no other situation sufficiently high, dry, level and extensive, together with a rich surrounding country competent to support it. . . Natchez cannot vie with it, and it even excels Baton Rouge." And again, he says: "The climate is certainly a desirable one, in consequence of its uniformity, and being free from those extremes of heat and cold to which the country, either farther north or south, is generally subjected. Such a climate must be very congenial to the constitution and to the vigorous maturity of most of the vegetable productions of the temperate regions. From the locality of Memphis the largest portion of the produce hereafter to be raised for market in the extreme tract of country lying between the Tennessee River and the bluff, must necessarily be concentrated at that point for exportation, as the rivers by which it is watered are not uniformly navigable." The Chickasaw Bluffs, as they were long known, seem to have made a deep impression upon the general. He had passed them often on his way to Natchez. He passed them on his way to that place in 1791, when he married Mrs. Rachel Robards there. There is reason to believe that it was his knowledge thus gained that induced John Overton to purchase the Rice grant. They were great cronies at that time, lodged together and took care of each other's interests when either was away from Nashville. They were the complement of each other. They had settled in Nashville about the same time (1789), and were immediately drawn into a friendship as earnest and enduring as that of the fabled Damon and Pythias. When the fierce and vindictive opponents of Jackson invaded the sanctity of his home, and attempted to besmirch the character of one of the most chaste, the noblest, truest and most sensitive of women, John Overton, with a reputation without a stain, and that had never been questioned, went to the aid of his friend with the beautiful gift of a strong attachment, the sincerity of which had never been marred by a favor asked for or received. He promptly defended Jackson, and in a clear and forcible statement attested the moral purity of his friend amid all the demoralisations and temptations of frontier life, and bore witness to the purity of that wife, the loss of whom left Jackson, afterwards, a bankrupt indeed. The friendship of these men for each other, is one of the most touching episodes of their time, in Tennessee. Overton was a close student, loved books, and surrounded himself with all those evidences of culture that are the resources of intellectual and refined natures. He was a

When he practised law in the Davidson County Court in 1790, the docket shows that he had forty-two of the one hundred and ninety-two cases registered; in 1793, of one hundred and fifty-five he had seventy-two, and in 1794 he had two hundred and twenty-eight of the three hundred and ninety-seven entered, which is plain proof that he was at least a successful lawyer, and must have been intelligent as well as shrewd and aggressive.

man of the closet, Jackson a man of action. In the words of one who knew them well: "Each regarded the other as supreme in the *rôle* in which he essayed to act." When they were apart, separated by the distance that intervened between Nashville and Washington, or the battlefields where Jackson achieved immortality, they maintained a correspondence that would have been a rich legacy to Judge Overton's children, to Tennessee and to the Republic. But he regarded it as too sacred for other eyes than his own, and he had all Jackson's letters destroyed when he thought he was about to die. "He [Jackson] has written to me," he said, "upon every subject and about many men, and though there is nothing in these letters that would harm his reputation, enmities have been healed which once existed, and I shall leave nothing behind me that will give trouble to any one, or require explanations." "Now," he added, "write to the general, that curiosity will be disappointed if our correspondence is ever sought for." What had passed between them was sacred as the grave.[1] These letters were dated on the battlefields, on the eve of, or after victory; or from the White House, when the cares, vexations and anxieties of war, of government, or politics had been pushed aside for a few moments of intimate communion with the man whom Jackson wholly trusted, who had been his confidential and faithful advisor in all the serious affairs of his life; who was the first to name him for the presidency (in 1815, after the victory of New Orleans), and who warned him against the almost ruin he impetuously rushed upon in his Florida-Seminole campaign. On this occasion, so memorable in the annals of the country, Overton advised Jackson that his Washington friends would try to ruin him; but, contrary to his advice, Jackson destroyed the letter by "Johnny Rhea," written with the knowledge of President Monroe, which virtually authorised him to take Pensacola. History affords no better evidence that disinterested friendship is possible between men than is thus furnished in the lives of John Overton and Andrew Jackson. When the latter was arraigned by the Senate for exceeding his orders, and punishing the "Dons," whom he hated, the former came to his rescue, and by a series of newspaper articles over the signature of "Aristides," defended his conduct with a strong array of international law, the ripe product of careful study. These, Judge Overton had the pleasure of knowing afterwards, had done much to turn the current of public sentiment, which had then set in strongly against his friend. John Overton, who was born at Louisa Court-House, Virginia, on the 7th of April, 1766, and was twenty-three years old when he removed to what is now Tennessee. He had been appointed supervisor of

[1] R. H. Barry, writing to Major M. B. Winchester, from Nashville, on the 14th of April, 1833, of Judge Overton's death, says: "I heard him request Dr. Hogg to say to General Jackson, that he saw him die, and that he died like a man and a soldier. So you see he clung to the general till his last moments. The judge told me he had made Major Thomas Edmindson and John S. Claybrooke his executors, and Judge White and myself guardians of his children. You he continued his agent at Memphis, just as you always had been."

the revenue for Washington county, North Carolina, by Washington, who a few months before had taken the oath as the first president of the United States, and he continued in that office until 1804, when he was elected judge of the Superior Court of Law and Equity of Tennessee. When this court was abolished and the Supreme Court of Errors and Appeals was established, he was elected a supreme judge and continued on the bench until 1816. Before his elevation to a judgeship, he practised law most assiduously, and notwithstanding the duties of the office of supervisor of the revenue demanded much of his time and attention, his habits were so methodical that their successful discharge presented no obstacle to his professional advancement. His practice from the beginning was extensive and lucrative, and in a few years he was admitted to be one of the leading lawyers of the State. Land titles were the chief subjects of litigation, and in this particular branch of the profession his knowledge was extensive and profound. The system adopted by North Carolina, of disposing of the public lands, gave rise to questions for which the English precedents furnished no analogy. It therefore devolved upon the bench and bar to establish rules and principles adapted to a condition of affairs unknown to the common law; in fact, a new brand of jurisprudence had to be established and worked out by the judges and lawyers of the State. The question concerning general and special entries, and directing and locating calls, presented difficulties almost as abstruse as the doctrine of contingent remainders, and it was not until the delivery of Judge Newton's opinion in the case of Phillips, lessee vs. Robertson (2 Overton, 399), that these vexed questions became fixed and settled. That opinion is regarded by the profession as evidence of a high order of judicial talent. All of Judge Overton's written opinions show the industry and painstaking care of the studious and conscientious man. His points were clearly made, definitions neatly stated, and occasionally, when bearing upon the subject, philosophical or moral reflections were thrown out which indicated that the decision was grounded on reason or principle, and not merely on blind assent to former adjudications. There was, withal, a terseness and brevity happily inconsistent with any effort at display. Eminent as a judge, he was a kind neighbor. He was the especial friend of poor, deserving young men. Judge Carmack, who became a prominent lawyer in Florida, Wynne, of Louisiana, and Judge Cahal, of this State, all lived at his home; and the late Senator "Tom" Benton declared to Judge John M. Lea (Judge Overton's son-in-law), that he could not, and would never, forget his kindness to him when he was a poor law student. The same quality of generosity was made apparent when he laid the foundations of Memphis, in his dealings with the people who were to carry forward the work he set for them, and which he predicted would make of it a rival of its ancient namesake on the banks of the Nile.

Fortunately for the future of Memphis Judge Overton was associated with

men who seconded all of his suggestions. General Winchester, as we have seen, was one of these. He had purchased for himself and brothers three-fourths of Jackson's half of the Rice grant, and was then (1819) busy assisting Judge Overton in laying out the town. He was a Revolutionary soldier and a distinguished officer in the War of 1812. He was born near Westminster, Carroll county, Md., in February, 1752, and entered the service of his country in 1776, when only twenty-four years of age. He served as a private in the ranks of Colonel Gist's regiment of the Maryland Line, and for bravery on the field was steadily promoted, leaving it with the rank of captain. He was very badly wounded, and was taken prisoner while covering the retreat of Washington from Long Island. On his exchange, after a year's suffering in the English prison-ships anchored off New York harbor, his regiment having been transferred to the South, he served under General Greene until the end of the struggle, and was present at Guilford Court-House, Hobkin's Hill, Eutaw Springs, and all the affairs and skirmishes and engagements that marked that eventful period in the South. He was also present at Yorktown and the surrender of Cornwallis. When peace was declared he removed to the West, and settled in what is now known as Sumner county, Middle Tennessee, part of what was then known as the Mero District. He was one of the fathers and founders of Tennessee, and shared with General James Robertson, and the pioneers who fought under that noble patriot, the hardships and dangers incident to the settlement of a frontier country He was familiar with the perils of the field where an unerring aim was as necessary a qualification for successful farming as skill with the plow. General Winchester was a distinguished citizen, and as such was held in the highest respect by his neighbors. By them he was elected to the first Senate of the State, and by his fellow-members was elected speaker, thus taking rank next after the governor. In 1812 he was appointed brigadier-general by President Madison, and was ordered to the Northwest, where, until relieved by General Harrison, commander-in-chief (and afterwards president of the United States), he commanded the army, with headquarters at Detroit. In the affair of Raisin River he was defeated and captured, and was again held prisoner by the British for a year; this time at Quebec. When exchanged he was induced to join his old friend Jackson, then in command at Mobile, where he was watching the British and the Spaniards. After the defeat of Packenham at New Orleans, General Winchester resigned his commission, retired to his farm in Sumner county, near the Cumberland, about thirty miles from Nashville and twenty from the Hermitage, and devoted himself to traffic and his farm until his death on the 26th of July, 1826. A man of extended information and liberal views, he was among the first in the Mississippi Valley to appreciate the advantages of the steam-engine, and was the first to employ steamboats, which he did in the trade between Cairo on the Cumberland River and New Orleans. When serving with General Greene the young Marylander

first learned from some of his western compatriots of the beautiful country of the Tennessee, and from Jackson, with whom he was intimately associated, he first learned of the advantages of the Chickasaw Bluffs as a site for a great city. In this, upon careful investigation, he fully agreed with Overton and Jackson, and he united with them in every movement they made to give life to their joint enterprise. The dedication of so many squares, promenades, alleys, and streets to the public use attest the liberality of the original proprietors of Memphis. Up to that time (1820) no scheme, plan or plat had ever been made for an American city on so generous a scale. Every emergency in the life of a leading commercial point was provided for. There was an exchange, an auction, a market, and court square set apart, and a magnificent promenade which Overton and Winchester contemplated as the delightful resort of the coming thousands. This lay in front of the city and overlooked the scene which met the gaze of De Soto's soldiers almost three hundred years before. But the trade and traffic that to-day make Memphis conspicuous among cities realising a part, the better part of the predictions of Jackson has spoiled the picture that spoke so eloquently of the good taste and judgment of Judge Overton.

The life in and about the newly incorporated town was that of the pioneer, restricted to the sternest simplicity. The mass of the people, though their manner of living was crude and rough, were honest, hard-working and earnest in the performance of their duties. They believed in the restraints of government, strenuously upheld the law,[1] and were true and faithful one to another. They were courteous, polite and self-respecting, though but a few of them had the advantage of an education of the higher sort. The place itself was on the frontier, the border of civilisation. It was in the far Southwest, a mere dot in the wilderness. Trade was restricted and was chiefly with the Indians. Money was scarce, and cotton-gin receipts, based on the cotton specified to have been deposited in the public gin, were current, and were as good as gold. As late as 1835 bears occasionally visited the town, one being killed near where the Worsham House now stands, "which was not to be wondered at, as a better range or denser thicket for all manner of 'varmint' could nowhere be found than lay along the bayou from Adams street south. As for deer they were almost as common as cattle, though they were not so apt to venture into town."[2] A vast forest, just being opened to civilisation, intervened between Memphis and the capital of the State, which had already

[1] Sometimes there were exceptions to this rule. James Sherman, who resided in Lauderdale for many years, served on a jury in the early settlement of West Tennessee (1821–1826), which was trying a man for his life. When a poll was taken it was found that there were six for acquittal and six for conviction. They could not agree. At last, by suggestion of one of their number, they had recourse to a game of cards, "seven up," which was hotly contested, but ended in a victory for the prisoner. This illustrates the crude ideas of justice that sometimes obtained, and a looseness of morals, without much feeling of accountability or responsibility for the maintenance of the law.

[2] James D. Davis.

become one of the most noted of the political centres of the Republic, and was famous for the number of great men, who either lived in or near it, and were intimately associated with its social as well as public life. There was not at this time a church in the town.[1] "Services were held by Methodist circuit riders in the court-house, the first of these, Elijah Coffee, making his appearance in March of 1822, on a flat-boat. He held forth on Barney Flynn's cabin on the batture. Elijah was an excellent type of his class. He made his living as a shoemaker, and like St. Paul preached the gospel without hope of fee or reward. He was followed by Mr. Blair, who had been a missionary to the Choctaws, and by Messrs. Butcher and Casey. In 1826 a meeting-house, 22 by 32 feet, was erected in Court Square, men and women of all denominations contributing to pay for it, the preachers, who, unlike Coffee, could not make a living by a trade, being content with such remuneration as free board, a suit of home-made jeans, or a pair of socks or gloves, the handiwork of the religious young ladies. After the preacher, came the press; Tom Phebus's father founded the *Memphis Advocate and Western District Intelligencer*, afterwards merged in the *Appeal*. These were among the first beginnings of civilisation. Seed-corn was still packed on horses to the country to be planted, and meal was made after the primitive manner of the Indians, by pounding the corn in a mortar with a pestle. There were few roads in the country, and no bridges over the bayous. These were forded at the trails or traces. The first houses erected were most of them of the cabin order of architecture, with clapboard roofs, puncheon floors and mud chimneys, with courses of rough, split boards, pinned to hold them together. These were followed by smoothly-hewn log houses, one and a half stories high, with brick chimneys. After these came two-story frames, with shingles fastened with nails instead of poles. Then came two and three-story brick houses, the first of which was erected by Mr. Joseph F. Andrews. "As to society, in 1824, there was none; nothing that deserved that name. There were a few boys, or young men, adventurers uncontrolled by any restrictions whatever; no preaching; no ladies to visit; they were permitted to run riot as they pleased."[2] "The young girls did not partake of the rude spirit of the young men, though the few who did were not for that reason excluded from society; they could not be spared, as all of them together made but a small sized party."[3] Besides these there were "Indian women and black girls in abundance; not a respectable white woman was to be seen once a month. There were some here, but they seldom put their feet beyond their own premises. Drunken Indians galloping through the streets at all times were a terror to them. Two or three respectable men married Indian women; ex-

[1] "L. V. D.," in the *Appeal*, recalling the impressions made upon him while a student at John D. Graham's school in Memphis, New Year's day, 1827.

[2] J. J. Rawlings, now the oldest living settler, who came to Memphis in 1824.

[3] James D. Davis.

cuse, no white women about. They lived together apparently well satisfied, and raised half-breed families. One white man married a quadroon,"[1] but his was a solitary instance. Memphis was a frontier town with frontier habits and ways. "During the lifetime of Judge Foy, and particularly before the purchase (1818), when no civil government existed on this shore, and few save self-ordained ministers of questionable character visited it, it was common for wedding parties to cross to Foy's Point, Ark., in order that his honor might perform the ceremony; which custom was continued long after we were blessed with what was called civil government. There was something romantic in crossing the river for this purpose, and we were, generally speaking, a romantic people."[2] The fiddle and the banjo were the only musical instruments in use, and the music was simple and easily memorised. The extremes of rollicking and sentimental songs were preferred, and "Old Zip Coon," and "Row, Boatman, Row," were very popular. Merry jig tunes and stirring reels were alone heard at the dancing parties, the "Arkansas Traveller" being the favorite. Beethoven, Chopin, and Wagner were a long way off. The music of the spinning-wheel was paramount in almost every home. "In the first settlement of the country whenever a little town sprang up or the roads crossed, the first thing to give it a start was a 'doggery' (as it was then called), a whisky shop. They were patronised to a liberal extent by nearly all the settlers within reach of them, who made it a business to go to these every Saturday to get drunk and fight. Whisky was cheap; Dean's best could be bought for twenty-five cents a gallon, and some who were overly fond of the abominable stuff said they never intended to drink water while they could get whisky at that price. They were so systematic in their carousals that the boys would beg their parents to let them go to town on Saturdays to

[1] What here appeared so extraordinary to Mr. Rawlings is a common result wherever white men have settled among or near to an inferior race. The case of the French in Canada intermarrying with Indians is proof in point, and the intermarriage of the Scotch and English employees of the Hudson Bay country with the Indians of that hyperborean region. But besides these there are many other instances. M. de Quatrefages in his "Human Species" says the Semitic blood has penetrated into the heart of Africa. Dr. Daniel Wilson says he has "recognized the semi-Indian features in the gay assemblies at a Canadian governor's reception, in the halls of the Legislature, among the undergraduates of Canadian universities, and mingling in the selectest social circles." He adds that "in the neighborhood of Quebec, in the Ottawa Valley, and to a great extent about Montreal, there is hardly among the original settlers a family in the lower ranks and not many in the higher, who have not some traces of Indian blood." The names of Ross, Adair, and Boudinot among the Cherokees, and of McIntosh, Grayson, Porter, and Stidham among the Creeks in the Indian Territory, and the Eurasians of India, the half-breeds of Java, and of China, Australia, and Africa tell the story of a mixed lineage. Quatrefages sets down the proportion of mixed blood in Mexico and South America at one-fifth of the whole population. M. de Omalius reckons the number of half-breeds in the world at 13,000,000, his computation taking account only of the products of crossing the European and colored races. But this is believed to be very much under the mark.

[2] James D. Davis.

Thomas A. Allen

see the fights. I might mention, too, that the Indians in those days were large consumers of whisky. A caravan of them would come to town to do their trading, and a portion of their purchase would be whisky."[1] All the sports were rough, and they were generally supplemented by drunken frolics and brawls. Horse-racing was the favorite pleasure and pastime with the Indians as well as whites.[2] This drew all the people, and of course the usual following of gamblers, who at this time literally swarmed in all the river towns. The Indians had a favorite race track on the bar at the mouth of Wolf River, where Bienville's army had encamped, and there, too, the whites tried the mettle of their ponies. Bets were free and open, and every known game tempted those who were present. Every gathering was made an occasion of excitement. Even the camp-meetings are numbered among "the errors of the past." "They constituted[3] the largest gatherings that met in early days. Races, fairs and monkey-shows were comparatively small concerns, as these only drew the wicked, and were suspended on Sundays, while camp-meetings drew all sorts, particularly the women, who, of course, drew the men, especially when they found themselves in a triumphant majority, as was the case in this country at this time. The very homeliest woman in the country could get as many beaux as she wanted, while the beauties wielded a sway that was truly distressing. These meetings always continued for a week, commencing on Thursday and ending the following Wednesday. Sunday was the big day of the occasion, when all the great guns were brought out, and the grand rally for mourners came off. Then town and country sent its thousands to swell the crowd, which found ample provision for its comfort, including a dozen or more booths in different directions, a quarter of a mile or less from the main shed, composed of bushes cut and piled up, beneath which was concealed a barrel of whisky. The proprietors were supplied with an ample number of junk bottles and runners to attend customers at the shed, where the bottles would be passed around, sometimes within a few yards of the speaker's stand, until their contents were exhausted, when they would be despatched back, with the necessary fee, for refilling; and its effects may be readily imagined. There may be some who think that a camp-meeting is no place for love-making; if so, they are very much mistaken. When the mind becomes bewildered and confused the moral restraints give way, and the passions are quickened and less controllable. For a mile or more around a camp-ground the woods seemed to be alive with people; every tree or bush had its group or couple, while hundreds of others in pairs were seen prowling around in search of some cozy spot." Militia musters also gathered their noisy crowds,

[1] J. J. Rawlings.

[2] In January, 1807, General Winchester, at his place in Middle Tennessee, offered to sell his horse, "Volunteer," for $1,500, evidence that even so early there was blooded stock in the State.

[3] James D. Davis.

and were continued in Memphis as late as 1841. "A big muster[1] attracted every one; the old, who had passed muster, as well as those under age; men, women, children and negroes gathered at them. Cakes and pies, with beer and cider, were always on hand in profusion, and not unfrequently a barrel of 'red-eye' was found on tap near a spring. The drum and fife (no company was allowed to be mustered in without its fife and drum-major) was music most divine, bringing out the most thrilling patriotic demonstrations. The drum and fife, to the tune of 'Yankee Doodle,' and the 'Jaybird died of the whooping-cough,' never failed to arouse the 'spread eagle' in everybody's bosom. Glorious days were those of 'old times.' General Jackson, the military hero of the age, was the rising man for the presidency; the 8th of January was yet fresh in the land; a military parade filled every one with enthusiasm; it was the sovereigns' day — a nation's muster. The mustering over, the battalion was marched back to the store and disbanded, when a rush was made for the cake and beer stands, many finding their way to the barrel of 'red-eye.' As the day began to wane, the spirit of the 'critter' began to brew the usual fights. No one attempted to interfere with these enjoyments, or to part the combatants. They fought on until each man had whipped his man. Then the rollicking, drunken and noisy crowd dispersed for their homes, many of them to ride miles along the well-known trails before reaching them." What civilisation the settlers could boast of was crude and coarse, tempered by generosity.[2] They were earnestly contending with nature, and had no time to indulge in the polish that cities alone then could afford. Some of them were rude, a few, a very few, of them were brutal. Not only fist fights, but duels with knives, pistols, and rifles, were fought, and the least clashing of interests begat in some instances a bloody feud. Child life, under these circumstances, was especially hard. Severe punishments were inflicted upon both boys and girls for the least dereliction. Their parents knew but little of restraint, and some of them, of naturally ungovernable tempers, flew into a passion on the least provocation, and the leather strap, the cane, some-

[1] Williamson.

[2] A contrast of the conditions of life in those early days, with present luxuries and facilities, will enable the reader to realise the absolute poverty of life with scarcely any relief from severe and constant drudgery. There were no theatres, concert halls, lyceums, few newspapers, and fewer books, no libraries or museums, no art or science, no commerce, no politics, no agitations for reform or advancement, no fashions for women, no centres for styles, no carriages or buggies, no billiard, pool or Jenny Lind tables, no bars, base-ball grounds, no lawn tennis, no trap shooting, no trained dogs, no associations of capital, no railroads, no well-built highways, no factories or foundries, or great workshops, no handsome dwellings, no pressed brick, chiseled stone or polished marble fronts, no handsome interiors with art decorations, no gas, water works, baths, electric lights, telephones or telegraph, no Worth dresses, nor Paris millinery. Yet the people were happy and managed to get a great deal of enjoyment out of life — dancing jigs on puncheon floors, playing cards on the head of a barrel, hunting and fishing, marrying and giving in marriage, at christening, and barbecues and bran dances.

times a whip, was seized and brutal floggings followed. "Many will remember[1] the old field schoolmaster as he was called, who ruled with an iron rod, was more proficient in the use of the hickory than anything else, and delighted to use it on the most trifling occasions. He had full sway and was allowed to punish the children at pleasure, unobjected to by parents, who appeared to think with the pedagogue, that their children could not be made to learn without whipping. The result was, they became so afraid of their teacher that they could not say a perfect lesson, let them know it ever so well. Boys that were a little slow were afraid to go to school, and would play truant for days before it was found out. When detected they were sure of two whippings, one by their parents and one by the schoolmaster. I have seen boys get the most unmerciful whippings, such as ought not to have been permitted on any slave plantation. I have seen them so scarred from head to foot, that they could not put their clothes on." But harsh as this may grate upon the sensitive reader, it was in no degree worse than the treatment at that time meted to school children and apprentices in Europe, where, even yet, as a result of irresponsible forms of government, class dominates over class, and severity is deemed to be a natural and proper form of discipline. "The commerce of the river was conducted mainly by flat-boats; they were passing here every day, sometimes in large groups; some would stop here and stay until they sold out their cargo. A large produce business was done at the river landing; sometimes a boat would go up Wolf River to Raleigh and stay until the cargo was sold out."[2] This was the beginning of the commerce now so large and remunerative, and which has saved Memphis in many emergencies of disaster. It was the foundation of a great column, built up by patient effort and industry. Continuing to grow, it encouraged population, and in its train came the varied industries necessary to the welfare and the life of an aspiring community. Isaac Rawlings, the government storekeeper, who was charged with the care of Fort Pickering, after the government had abandoned it, and who was the first merchant, his profits being nearly altogether derived from trade with the Chickasaw Indians, was now finding new rivals every day. The shock he felt when Marcus B. Winchester, with A. B. Carr, set up a better store than his in 1815, and in a better location, had long since passed out of his memory, and he had become a fast and firm friend of his young and spirited rivals, as they also were of Fearn and Henderson, who had also set up for themselves. They had realised, during the intervening years, that there was some reason for John Overton's confidence and Andrew Jackson's prediction, that here there was to be a town of magnitude and importance. People were arriving every month, and new signs had "gone up" so fast, that by 1827 there was quite a cluster of business houses and mechanics' shops. Patrick Meagher, Joshua Fletcher, John Grace, Will-

[1] J. J. Rawlings.

[2] *Ibid.*

iam Irvine, John B. Moore and M. Quinby, all were traders and mechanics, supplying the wants of the Indians, and of the first wave of population after Winchester, were succeeded by a long train. Joseph L. Davis established a cotton press; Nathaniel Rayland, a drug store; Thomas B. Carr, a tannery; Seth M. Nelson, a bakery; John F. Schabell, a tailor shop; Samnel Runkle, a tin shop; Gorden Simpson, a butcher shop; C. C. Locke, a saddlery; Dick Hinds, a brick-yard; Hezekiah Cobb, a saw-mill; W. O. Lofland, a flouring-mill; Isaac Rawlings, an insurance office; John R. Kent, a carpenter shop; John W. Fowler was the plasterer; William B. Dare, the bricklayer; the Rev. Elijah Coffee, the shoemaker; Silas T. Toncray, the silversmith and jeweler; Robert Omidy, the blacksmith; Rachel Tarleton, the milliner; R. C. MacAlpin, the lawyer, and Dr. Frank Graham, the physician. As yet the slave dealer had not made his appearance. The largest settlement in the vicinity of the town was that of Big Creek, on the north. There lived Jesse Benton (brother of "Old Bullion"), John Ralston, Charles Bolton, John Bolton, William Vaughan, Kader Harrell, William Bond, John Reaves, Alexander Snead and Starke Fleetwood. The settlers south of the town were, William Persons, Colonel H. Persons, William Roberts and Frederick Christian. Those on the east side were, Joseph Graham, Nathaniel Anderson and John B. Holmes. "The merchants and farmers would more than compare favorably with an equal number of planters and tradesmen of this day. Their dealings were all honorable to the highest extent, and although it was the custom at that time to buy goods on time and pay but once a year, I never knew of a single debt to be a total loss. Should one of them be a little behind at the end of the year, his neighbors were all ready to go his security for eventual payment."[1] The Jackson *Gazette*, which always referred to Memphis as "the village better known as the Chickasaw Bluffs on the Mississippi River," announced about this time, that "money was still scarce, and notes of the various banks of the State were taken at a discount of 10 per cent. for merchandise," which was sold at the following wholesale prices: Bacon, 4 to 5 cents per pound; flour, $3.50 to $4.00 per hundred pounds; coffee, 23 to 25 cents per pound; Kenawha salt, 58 to 65 cents per bushel; Liverpool salt, $5.75 per sack; whisky, 26 to 30 cents per gallon; corn, 21 to 37 cents per bushel; leather, sole, 28 cents per pound, upper, $2.00 to $2.50 per side; meal, $1.50 per barrel; cider, $4.00 to $5.00 per barrel; cotton, 7 to 9 cents per pound; bagging, 25 to 28 cents per yard; bale rope, 8 to 9 cents per yard; rice, 6 to 7 cents per pound. Credit and long time was the rule, and almost everybody was in debt. Money could not be had save at ruinous rates, running as high in some cases as six per cent. per month, which was simply confiscation of labor and property. The *Gazette*, mindful of the "best interests of the people," bemoans this state of things, and in a strong editorial reminds its readers that: "It is a conceded point among

[1] J. D. Davis, writing in 1873.

all politicians, that neither the farmer nor mechanic can afford to borrow money at even 6 per cent. per annum. This fact was clearly illustrated by Governor Carroll, in his last message to the General Assembly of the State. By various other tests, none more powerful than experience. Notwithstanding all this, thousands of dollars are now employed in this State, in shaving, at six per cent. per month. What produces this state of things? We answer, the credit system."

II.

TRAVEL, both tedious and slow, was attended with risk to life as well as property. "Sixty years ago some of our people rode horseback from here to Baltimore, rather than travel on one of them slow steamboats. They had to hire a pilot to conduct them through the wilderness from here to Jackson. On one occasion on his return trip, the pilot was found dead in the woods, his body in one place and his head in another. It was thought he was attacked by wolves when asleep, and killed by them."[1] "Very likely he was murdered." Many of the trails, as well as the banks of the navigable streams, were infested by robbers; two of these, as the captains of gangs or clans became famous — Mason, in 1803–4, and Murrell, from ten to twenty years later. It was the habit of these robbers to lie in wait for the flat-boatmen, who usually sold both boat and cargo in New Orleans and made their way home, hundreds of miles, by trail on horseback, sometimes afoot, carrying with them, in gold or silver, the proceeds of their ventures. They were a sore temptation to bad men, and robberies and murders were frequent. The highwaymen not only robbed, but murdered their victims, "because dead men tell no tales." At last these crimes became so many in numbers, and so bold, that the adventurous boatmen were compelled to organise in companies in New Orleans, and thus, all well armed, make the long journey through hundreds of miles of virgin forest to Illinois, Indiana and Ohio. Mason, who was in the field so early in the century, had for a companion, or lieutenant, Wiley Harp, brother of Micajah Harp, who had long been a terror in East Tennessee, and who had been killed by a party in search of him, in 1802, commanded by Thomas Leiper. Wiley Harp in 1803 shot Mason, and cutting off his head, carried it into Natchez and demanded the reward that had been offered for it. But he was recognised by some soldiers belonging to a company from East Tennessee, on their way, by order of the Federal government, to take possession of Louisiana. Identified beyond doubt, he was imprisoned, tried, and shortly after executed. The Harp brothers were fiends, who ruthlessly butchered defenceless women and children without cause and without hope of results in gain. John A. Murrell, whose confederates were distributed all along the Tennessee as well

[1] J. J. Rawlings.

as the Mississippi River, and were, some of them, influential men in Arkansas, Alabama, Mississippi, Missouri, South and North Carolina, Virginia, Maryland, Louisiana and Kentucky, as well as Tennessee, was well-known to the people of the Chickasaw Bluffs, in the vicinity of which he had operated for a long time. "Murrell's clan"[1] counted their numbers by hundreds, and ranged from the Walnut Hills at the mouth of the Yazoo to the mouth of the Big Hatchie. They held their "grand council" in the deep, dark woods of the Mississippi Bottom, in Arkansas, twelve or more miles below Randolph, and some six miles from the river, near Shawnee village.[2] "The writer[3] yet retains a lively recollection of the many scenes and incidents of that thrilling and eventful period. Robbery, theft and murder occupied and filled the minds and engaged the attention of the people from Vicksburg to New Madrid. It was the theme in the quiet family circle, as well as the public talk, and the subject of municipal ordinances and regulations. Every town along the river had its vigilance committee and night patrol for the protection of life and property, and every stranger that entered either town or neighborhood was 'spotted,' until his business and *personnel* became satisfactorily known to the guardians of the town. The clansmen's most usual place for crossing the Mississippi was a short distance below the Benton place, in the Big Creek country. In tracking their way to and from the grand council tree—a notable sycamore, standing in the thickest of the deep forest, towering above all other trees, discernible for miles around, a beacon to guide the footsteps of the clan in gathering—they seldom travelled over the same trail more than once, that they might elude the vigil of all who were not of their order. The size of the council tree, at its base, equalled the notable Indian sycamore at the mouth of the Big Pigeon, which is said to measure, at its base, seventy-five feet around, and is capable of stabling, in its capacious hollow, twenty-four horses at a time. It was at this tree and in its great hollow that John A. Murrell and his clansmen met in grand council and formed their dark plots, and concocted their hellish plans. Most of their depredations were committed along the river and in the night time. Seldom a night passed without the capture of suspicious persons. It was during those bloody days that an occurrence happened, some twelve miles below Randolph, that shocked the whole country. A most atrocious, diabolical and wholesale murder and robbery had been committed on the Arkansas side. The crew of a flat-boat had been murdered in cold blood, disembowelled and thrown into the river, and the boat-stores appropriated by the perpetrators of the foul deed. The Murrell clan were charged

[1] Williamson's "Old Times in West Tennessee."

[2] Davis: "Their general rendezvous was a short distance above here in Arkansas, but several prominent members lived here [Memphis]. I believe they would have made this place one of their bases of operations had it not been for Winchester, whose ready capacity for detecting counterfeit money, in which they dealt extensively, rendered it untenable for that purpose."

[3] Williamson's "Old Times in West Tennessee."

with the inhuman and devilish act. Public meetings were called in different parts of the country, to devise means to rid the country and clear the woods of the clan, and to bring to immediate punishment the murderers of the flat-boatmen. In Covington a company was formed to that end, under the command of Major Hockley and Granville De Searcy, and one at Randolph, under the command of Colonel Orvil Shelby. They met at Randolph and were organnised into one company, under the command of Colonel Shelby. A flat-boat, suited to the purpose, was procured, and the expedition, consisting of some eighty or a hundred men, well armed with several days' rations, floated out from Randolph and down to the landing where the wholesale murder had been committed. Their place of destination was Shawnee Village, Ark., where the sheriff of the county resided. They were first to require of the sheriff to put the offenders under arrest and turn them over to be dealt with according to law. To Shawnee Village the expedition moved in single file, along a tortuous trail through the thick cane and jungle, until within a short distance of the village, when the whole line was startled by a shrill whistle near the head of the column, answered by the sharp click, click, click of the cocking of rifles in the hands of the clansmen in ambush to the right flank of the moving file, and within less than a dozen yards. The chief of the clan stepped out in plain sight of the troops, and in a stentorian voice commanded the expedition to halt, saying, 'We have man for man; move forward another step and a rifle bullet will be sent through every man in your command.' A parley was had, when more than man for man of the clansmen rose from their hiding places in the thick cane, with their guns at a present. The expedition had fallen into a trap; the clansmen had learned of the movement against them. Doubtless many of them had been in attendance at the meetings held for the purpose of their destruction. The movement had been a rash one, and nothing was left to be done but to act according to the axiom that 'prudence is the better part of valor.' The leaders of the expedition were permitted to communicate with the sheriff, who promised to do what he could in having the offenders brought to justice, but alas, for Arkansas and justice. The sheriff himself was thought to be in sympathy with the clan, and the law was subordinate to the wish of the clansmen. The expedition retraced its steps. Had it not been so formidable and well known by the clansmen every member of it would have found his grave in the Arkansas swamp." Sometimes these robbers and murderers were summarily dealt with by the "Regulators" after the fashion of Judge Lynch. There were hordes and gangs of gamblers, who were the allies of the counterfeiters, the highwaymen, the pirates of the Mississippi, and the murderers who made every venture in trade a special risk of life and limb as well as fortune. In Vicksburg, Natchez under the Hill, and other places they became so bad as to compel extreme measures, and many of them were hanged and the rest sent down the river, tied hand and foot and fastened on rude rafts. In Mem-

phis they had never reached so gross and offensive a degree of defiance and order, because they could, living at the hotel at Foy's Point, do as they pleased without fear of Squire James, who found them the best customers of his grocery; but they continually menaced the public peace, indeed openly threatened to burn the town, and were finally, in 1835, warned away on pain of death. "A list of all the known gamblers was made out, and they were personally notified to leave, and did leave."[1] It was not long after this, that through the heroism of Virgil A. Stewart, John A. Murrell fell into a trap, and was arrested, condemned, and punished. This resulted in the clan being scattered, and their organisation broken up. From the confession that Murrell made to Stewart, a copy of which, with the names of his confederates as he gave them, is in possession of the writer, it is plain that he was one of the most bloodthirsty fiends of whom there is any record in the annals of crime. Virgil Stewart entitled the little book he published "A History of the Detection, Conviction, Life and Designs of John A. Murrell, the Great Western Land Pirate; together with his System of Villainy and Plan of Exciting a Negro Rebellion." A comprehensive title so far as it goes, it does not quite cover the case. It is tame by comparison with the recital of the dreadful deeds that follows. Stewart was a young man, a friend of Parson Henning, of Madison county, where Murrell made his residence. From this parson the Great Western Land Pirate had stolen two negroes. He was not in the habit of thus operating in the vicinity of his home, but he perpetrated this crime out of revenge, because the parson and his son had appeared in court as witnesses on the occasion of his successful prosecution for stealing three negroes from a Mr. Long, of Madison county, but the penalty for which he finally escaped through technicalities of the law. The parson, much encouraged by the success in the Long case in the lower court, determined to watch Murrell's movements, and follow him, believing that by so doing he could recover his negroes. For this purpose he set a watch upon him, and learning that "the Pirate" was going to Randolph, he invited Stewart to accompany him, offering to pay him. Stewart declined the pay, but promised to do all he could to help him recover his property. On the day appointed he went to the rendezvous appointed, but neither the parson nor his son made their appearance. Falling in with Murrell, however, Stewart entered upon the task alone, and being unknown to Murrell on account of his absence from the State for the previous nine months, was able to ingratiate himself and ultimately win the bandit's confidence. After several hours' travel Murrell confessed that he knew two young men who were "on the road"; that the elder of the two was the head of a noted clan with purses superior to the law, that he believed this "elder brother" had stolen Long's negroes, and also Parson Henning's out of revenge, and would be able to dispose of them. Stewart sympathised with this "elder brother," and conceded the correctness of his

[1] James D. Davis.

choice of a profession, as it was money and not respectability or uprightness that secured men the respect and esteem of the world. This was the introduction to a long colloquy, in the course of which Stewart continued to invite the confidence of the highwayman, whose name, long after he was dead, was a terror in West Tennessee and the adjacent country. Murrell gave him the particulars of many crimes that he and his brother had committed; told how they were detected in a few instances, and how they invariably escaped through the loopholes of the law or by the connivance of officials who belonged to the clan. In this confession, the cold-blooded narration of which would startle our later novelists, he always spoke of himself as the "elder brother," gifted beyond all the men of his time, in knowledge of law, of human nature, and especially in skill in dealing with the world, officials particularly. He boasted of his widespread connections throughout the South, and asserted his power to be equal to the destruction of any man, socially or otherwise, in that section who might interfere with him, or to have him killed or stripped of his property by arson and robbery. At the end of the second day's journey, Stewart had so won on Murrell that the robber invited him to join the clan, and proposed to initiate him by giving him the signs and pass-words of the two degrees of Murrell's Mystic Clan. On the third day Murrell confessed himself to be the "elder brother," of whom Stewart, travelling by the name of Hues, by this time professed himself to be enamored. Murrell said: "Sir, I am the leader of a noble band of valiant and lordly bandits. I will give you our plans and strength hereafter, and I will introduce you among my fellows, and give you all their names and residences before we part; but we must not be parted longer than you can arrange your business; and I will make you a splendid fellow, and put you on the high road to fortune. You shall be admitted into the grand councils of our clan; for I consider you a young man of splendid abilities. Sir, these are my feelings and sentiments towards you." On the fourth day Murrell became more communicative, and explained that the clan had a great enterprise on foot, which was nothing less than the fomenting of a general uprising of the negroes in all the slave States, with a view to wholesale murder and destruction of property, during the excitement occasioned by which they were to steal all they could, make, as he said, "a grand haul," that would obviate the necessity of petty thefts of horses and negroes, and the murder of so many to cover up their tracks. This uprising he said was to take place on Christmas day, 1835, and their determination in the mean time was to drill the negroes to the necessity for being utterly merciless, cruel and relentlessly bloodthirsty. His programme was full of every possible conception of fiendish atrocity, and he longed for the time to come when, as the leader in New Orleans, he would have the pleasure of destroying the city that Jackson had saved from the British. He explained to Stewart that "The clan is not of the same grit; there are two classes. The first class keep all of their

designs and the extent of their plans to themselves. For this reason, all who would be willing to join us are not capable of managing our designs; and there would be danger of their making disclosures which would lead to the destruction of our designs before they are perfected. This class is what we call the grand council. The second class are those which we trust with nothing, only that which they are immediately concerned with. We have them to do what we are not willing to do ourselves. They always stand between us and danger. For a few dollars we can get them to run a negro or a fine horse to some place where we can go and take possession of it without any danger; and there is no danger in this fellow, then, for he has become the offender, and, of course, he is bound to secrecy. This class is what we term strikers. We have about four hundred of the grand council, and near six hundred and fifty strikers. This is our strength, as near as I can guess. I will give you a list of their names, as I promised you, before we part." He explained that, for the execution of the plans prepared for the 25th of December, 1835, negroes were initiated in dens where every possible aid in secrecy and the most horrifying accessories were availed of to impress the savage and strike him with awe, and he counted upon a simultaneous rising and the dread of apprehension it would occasion to furnish him and his clansmen with the coveted opportunity for wholesale plunder without fear of after consequences. At these initiations the negroes were harangued on the blessings and value of freedom, and they were wrought up to the point of the awful crime, under cover of which, on the day set, Murrell and his clan were to stuff themselves full of money from the coffers of the bankers and the drawers of "opulent merchants." Murrell promised his negro initiates that when free they should be as much respected as the whites, and should marry white women when they were all put on a level, and he made them believe that the people of the free States would not care if they massacred every white man and woman about them. "I should not," said Murrell, "be surprised if we were to be two thousand strong on the night of December 25, 1835; as in addition to this I have the advantage of any other leader of a banditti that has ever preceded me, for there is at least one-half of my grand council who are men of high standing, and many of them in honorable and lucrative offices. Should anything leak out by chance, these men would crush it at once by ridiculing the idea and fears of the people. They would soon make it a humbug and a cock-and-bull-story, and all things would be accounted for to the satisfaction of the community in short order. These fellows make strong pillars in our mystic mansion. We have a considerable amount of money in the hands of our treasurer for the purpose of purchasing arms and ammunition to fit out the companies that are to attack the cities and arsenals, and supply ourselves from every source that may offer. We can get from every house we enter more or less supplies of this kind, until we will be well supplied. The negroes that

scour the country settlements will not want many arms until they can get them from the houses they destroy, as an ax, a club or knife will do to murder a family at a late hour in the night when all are sleeping. There will be but little defence made the first night, by the country people, as all will be confusion and alarm for the first day or two, until the whites can embody." On the fifth morning Murrell was so completely captivated by his companion, that he gave him a history of his life, commencing at the time he was ten years old, interlarding it with oaths and accounts of his erratic pleasures. He said: "I was born in Middle Tennessee. My parents had not much property, but they were intelligent people, and my father was an honest man, I expect, and tried to raise me honest; but I think none the better of him for that. My mother was of the pure grit; she learned me and all her children to steal as soon as we could walk, and would hide for us whenever she could. At ten years I was not a bad hand. The first good haul I made was from a peddler who lodged at my father's house one night. I had several keys, unlocked his trunk and took out a bolt of linen and several other things, and then locked the trunk again. The peddler went off before he discovered the trick. I thought that was not a bad figure I made. About this time there was some pains taken with my education. At the age of sixteen I played a trick on a merchant in that country. I walked into his store one day, and he spoke to me very politely and called me by the name of a young man who had a rich father, and invited me to trade with him. I thanked him, and requested him to put down a bolt of superfine cloth. I took a suit and had it charged to the rich man's son. I then began to look after larger spoils, and run off several fine horses. By the time I was twenty I began to acquire considerable character as a villain, and I concluded to go off and do my speculation where I was not known, and go on a large scale; so I began to see the value of having friends in this business. I made several associates; I had been acquanited with some old hands for a long time, who had given me the names of some royal fellows between Nashville and Tuscaloosa, and between Nashville and Savannah, Ga., and many other places. Myself and a fellow named Crenshaw, gathered four good horses, and started for Georgia. We got in company with a young South Carolinian, just before we got to the Cumberland Mountains, and Crenshaw soon knew all about his business. He had been to Tennessee to buy a drove of hogs, but pork was dearer than he expected, and he declined purchasing. When we came to a great precipice, Crenshaw winked at me and asked me for my whip, which had a pound of lead in the butt. Taking this, he rode off by the side of the South Carolinian, and, with a blow on the head, tumbled him off his horse. We fingered his pockets and got $1262, and a horse worth $200. We turned our course for South Alabama, and sold our horse for a good price. We commenced sporting and gambling, and lost every cent of our money. We were soon forced to resort to our profes-

sion for a second raise. We stole a negro man and pushed for Mississippi. We had promised him that we would conduct him to a free State, if he would let us sell him one time on the way, and we would also give him part of the money. We sold him for $600, but when we went to start the negro seemed very uneasy, and appeared to doubt our coming back for him as we had promised. We lay hid in a creek bottom, near where we sold the negro, all the next day, secured Tom that night, and rode twenty miles to a friendly speculator's house. We were detained there a few days, and during that time our friend learned that the negro was advertised in a village near by, and a description of the two men from whom he had been purchased. It was rather squally times; but any port in a storm. We took the negro that night on the bank of a creek, and Crenshaw shot him through the head. We took out his entrails and sunk him in the creek. We made our way through the Choctaw and Chickasaw Nations, and then to Williamson county, this State. We had a fine lump if we had taken care of all we made. I had become a considerable libertine, and when I returned home I spent a few months rioting in all the luxuries of forbidden pleasures. I next run several horses from the adjoining counties. I had associated with a young man who had become a circuit preacher among the Methodists; and a sharper he was. He was as slick on the tongue as goose grease. I took my first lessons in divinity from him, and he first put me in the notion of preaching, to aid me in my speculations. I got into difficulties about a mare that I had taken, and was imprisoned about three years. I shifted it from court to court, but was at last found guilty and whipped. During my confinement I read the scriptures, and became a good judge of them. I had not neglected the criminal laws for many years before that time. When they turned me loose, I was prepared for anything. I wanted to kill all but my own grit; and one of them, I will die by his side before I will desert him. My next speculation was in the Choctaw Nation. Myself and brother stole two fine horses and made our way into the nation. We got an old negro man, his wife, and three sons, to go with us to Texas, and promised them that if they would work for us one year after we got there, we would let them go free; and told them many fine stories. We got into the Mississippi swamp, and was badly bothered to reach the bank of the river. We had turned our horses loose at the edge of the swamp, and let them go to hell. Finding a large canoe locked to the bank, we broke it loose, and were soon descending the river to New Orleans. The old negro man became suspicious that we were going to sell them, and became quite contrary. We saw it would not do to have him with us, so we landed one day by the side of an island, and I requested him to go with me around the island to look for a place to catch some fish. After we were obscured from our company, I shot him through the head, and then ripped open his belly and tumbled him into the river. I returned and said that the old man had fallen into the river, and never came up

after he went under. We landed fifty miles above New Orleans, and went into the country and sold the negroes to a Frenchman for $1900. We went to New Orleans, dressed like young lords, went to old mother Surgick's, and had some grand frolics. Two fellows, Haines and Phelps, made me known to all the speculators that visited New Orleans, and gave me the name of every fellow who would speculate, that lived on the Mississippi River, and many of its tributary streams from New Orleans up to all the large western cities. I commenced travelling and making all the acquaintances among the speculators that I could. I went from New Orleans to Cincinnati, and from there I visited Lexington, Ky. I found a speculator about four miles from Newport, who furnished me with a fine horse the second night after I arrived at his house. I went from Lexington to Richmond, Va., and from there I visited Charleston, S. C., and thence to Milledgeville by way of Savannah and Augusta, Ga. I made my way from there to Williamson county, the old stamping ground. In all the route I only robbed eleven men, but I preached some fine sermons, and scattered some counterfeit United States paper among my brethren. After I returned home from the first grand circuit I made among the speculators, I remained at home a very short time, as I could not rest when my mind was not actively engaged in some speculation. I had commenced the foundation of this Mystic Clan in that town, and suggested the plan of exciting a rebellion among the negroes, as the sure road to an inexhaustible fortune to all who would engage in the expedition. The first mystic sign—a peculiar pressure and flirt of the hand—which is used by this clan, was in use among robbers before I was born, and the second had its origin from myself, Phelps, Haines, Cooper, Davis, Bolton, Harris, Doddridge, Cilly, Morris, Walter, Depont, and one of my brothers, on the second night after my acquaintance with them in New Orleans. We needed a higher order to carry on our designs, and we adopted our sign and called it the sign of the Grand Council of the Mystic Clan; and in addition to this improvement, we invented and formed a mode of corresponding by means of ten characters, mixed with other matter, which has been very convenient on many occasions, and especially when any of us get into difficulty. I was encouraged in my new undertaking, and my heart began to beat high with the hope of being able one day to visit the pomp of the Southern and Western people with my vengeance; and of seeing their cities and towns one common scene of devastation, smoked walls and fragments. I decoyed a negro man from his master in Middle Tennessee and sent him to Mills Point by a young man, who delivered him there to another friend. I then took him to Texas and sold him for $500. I then concluded to visit South America, believing that I could get some in that country to aid us in our rebellion scheme; but of all the people in the world, the Spaniard is the most treacherous and cowardly. I had rather take the negroes in this country to fight than a Spaniard. I stopped in a village, aped

a doctor, and began practising medicine. I became a great favorite of an old Catholic, who adopted me as a son in the faith, and introduced me to all the best families as a young doctor from North America. I had been with the old Catholic about three months, when an opportunity came to rob his secretary of $960 in gold, and could have got as much more in silver, if I could have carried it. I was soon on the road, however, and stopped three weeks in New Orleans, where I had some high fun with old mother Surgick's girls. When in New Orleans, plans were arranged for our rebellion, and each man's duties assigned. We determined to make the attempt at every hazard. I left on foot for Natchez, having sold my horse with the intention of stealing another one on the way. I walked four days and no opportunity offered. The fifth day, about twelve o'clock, I had become very tired, and stopped at a creek to get some water and rest. Looking down the road I saw a man coming on a good-looking horse. The moment I saw him I determined to have the horse if the man was in the garb of a traveller. He rode up and I saw from his equipage that he was a traveller. I rose from my seat, drew an elegant rifle pistol on him, and ordered him to dismount. He did so, and I took his horse by the bridle, and pointed down the creek, and ordered him to walk before me. We went a few hundred yards and stopped. I made him undress himself all to his shirt and drawers, and ordered him to turn his back to me. He said: 'If you are determined to kill me, let me have time to pray before I die.' I told him I had no time to hear him pray. He turned around and dropped on his knees, and I shot him through the back of the head. I ripped open his belly, took out his entrails and sunk him in the creek. In his pockets I found $400.37; his boots were new and fitted me perfectly; his clothes were of the best quality. I mounted as fine a horse as I ever straddled, and directed my course to Natchez, in much better style than I had been in the last five days. I reached Natchez, and spent two days with friends and the girls under the hill. I then left for the Choctaw Nation, and while riding along was overtaken by a tall, good-looking young man, riding an elegant horse which was splendidly rigged off; and his apparel was of the richest, and he said that he had with him the pay for twenty negroes sold. I concluded he was a noble prize, and longed to be counting his cash. We had followed down the dale for near four hundred yards from the road, under a pretext of mine for finding some water, when I drew my pistol and shot him through. He fell dead. I searched his pockets and only found four dollars and a half; his handsome watch chain was fastened to an old brass watch, and his big purse was filled with love songs and love letters. He was a puff, for true, and I thought all such d—d fools ought to die as soon as possible. I took his horse, swapped him to an Indian native for four ponies, and sold them on my way home. My next trip was through Georgia, South Carolina, North Carolina, Virginia and Maryland, and then back to South Carolina, and from there around

by Florida and Alabama." By this time Stewart and Murrell had got back to Mr. Henning's, where they parted, Murrell to travel towards Alabama, where he had some robberies to execute, and Stewart to secure a posse by whom the "Great Western Land Pirate" was arrested and lodged in prison in February of 1834. His friends came to his assistance. They attacked the character of Stewart, and endeavored to prove that he had defrauded a merchant named Clanton, of money and goods, while acting as agent for him a short time. An effort was also made to poison him by bribing some one to put poison in his coffee; but all these failed, and in the following July Murrell was found guilty of negro stealing and sentenced to the penitentiary for ten years at hard labor. "This," says Stewart, "ended the career of the 'Great Western Land Pirate,' who has reduced villainy to a system, and steeled his heart against all of the human family, except those who will consent to be as vile as himself." As he promised, Murrell gave Stewart a list of the members of the clan, and it embraces the names of some of the most influential families in Tennessee, Mississippi, Arkansas, Kentucky, Missouri, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Florida, and Louisiana. Besides the names from these States he gave those of a dozen "transients," or tramps, who, like himself, were always on the road. Stewart's little book was eagerly purchased, it is said, by the members of the clan, and in a few months after it first appeared it was "out of print," and a copy could not be bought for fifty dollars. Stewart removed to Mississippi and resided there for some years, but after the annexation of Texas he emigrated thither, and there, rumor had it, was killed by some member of the clan, many of whom had become citizens of that State. Murrell, after he had served his time in the penitentiary, married an Ohio girl, and she was at last accounts still living in Henderson county of this State. She was named Mary McClovey, and was the daughter of an Irish emigrant, who married a pretty servant from the government garrison at Cincinnati in 1799. McClovey was the servant of Dr. Allison, famous as the first physician of Cincinnati, and who lived for a time between Permton and Stonelick, in Clermont, then Hamilton county, about the year 1800. Her father went to Cincinnati with Dr. Allison in 1810, and in that city the girl was reared. She was handsome and romantic, and her advantages for culture had been good, as her father had prospered. When about eighteen the girl met Murrell, who was in the city, probably selling some stolen horses. She was infatuated with the fellow's dash and personal beauty, and fled with him to Lexington, where they were married, much against the wishes of her father. She shortly after found out the character of the man, but nevertheless remained a true wife until his death in 1848. Then she married again, and endeavored ever afterward to forget her alliance with a man whose name was another word for crime and dishonor. She never spoke of him, and resented any attempt to draw from her anything of her early history or the exploits of her first hus-

band. The little house in which he died is still standing in Pikeville, Bledsoe county, Tenn. On his death-bed he wanted to make a confession, but he was gagged and prevented by friends, one of whom exclaimed, "Great God, John, don't give us all away." John's bones now rest at Smyrna, but the ghouls dug into his grave and removed his skull, which is now in the museum at Nashville.[1]

III.

A CENSUS taken in 1827 showed that Memphis had grown from the fifty-three of 1819 to five hundred persons, who were for the most part industrious, full of faith in the future, and strong in the conviction of the naturally superior advantages of the Chickasaw Bluffs. In July the County Court was re-

[1] In February, 1885, a gentleman named Lee, with a friend, was bird and squirrel hunting in the neighborhood of Gin Branch, near Huntington, Tenn., when his dog Charlie started a rabbit, which he pursued into a hole leading to a cave into which his master followed to rescue him. He told the story in the Nashville *World*, in a letter dated February 13 of the above year. He said: "With lantern in hand we both entered, compelled to crawl on hands and knees for some distance before we could walk erect; the entrance turned first to the right, then to the left, in a zigzag form; finally we met Charlie, and his bark, as it echoed and re-echoed, astonished us to such an extent that we raised our lantern over our heads, which threw a bright light around. We stood dumb for a moment; we were shocked and horrified; the surroundings were revealed; we were in a large room, ceiled on the sides and overhead with rude clapboards. Before us set a large table with a mutilated pack of cards in the centre; heavy wooden chairs around the table; a couple of large and rough shop-made knives on one corner. As soon as we could collect our senses and calm our staggered brains we found we were in a secret cave that had once been occupied by a band of outlaws, but who, or when, was the question. In surveying the room, which was 18 x 18, we found in one corner a black something; holding the light close, our blood was chilled; it was a large, black man, his skin and flesh as dry as those who, in ancient days, were given passage over Sharon; a large and rough-made chain was locked around his ankle and fastened to a staple in the floor. In the opposite corner lay the dried frames of two huge blood hounds; in an old heavy wooden box was found two old-fashioned horse pistols with flint locks; they had undoubtedly done service in the Revolution; there was also several pairs of handcuffs. We began to think that we were in the region of the damned. When looking on the rough wall there we saw 'the handwriting.' It was 'John A. Murrell, 1828.' We were in the great outlaw's den; we could then see that the man chained had been stolen by the bandit—brought there and chained until they could run him South and sell him. The presumption is that when the cave was deserted he was alive; the doom was sure, but what agony he underwent—chained and alone—his face, like Milton's devil, 'grinned horribly a ghastly smile.' The blood hounds had been kept for the purpose of recapturing any slave that might escape. As we were about making our exit our companion, Lee, called our attention, in an excited manner, to another object. We turned around and he was pale and the lantern trembling in his hand; he pointed under the table, and there lay the form and dried frame of another human being. Examining close, it proved to be that of a woman. She, too, was chained. She had died a horrible death—starved to death. Her long, yellow hair still clung to the dry skin on her head, which hung in golden tresses over a bosom that once heaved with the breath of life."

J. R. Godwin

moved to Raleigh, which thus became the county seat. This was a blow that aroused a fresh flow of public indignation. It was shortly after supplemented by an epidemic of dengue (break-bone fever), followed, singular to say, by one of yellow fever (1828), the first in the history of the place. Since the disease, which in 1640 decimated Bienville's army, there had been no such visitation. One hundred and fifty cases were reported, and fifty-three deaths. More than one-fourth of the population was stricken down, and more than one-tenth died. On account of this visitation, and the riotously, jolly flat-boatmen who frequented the town and constantly endangered its peace,[1] Memphis fell into bad repute, and bore a bad name, which its rivals on the river made haste to give a wide publicity. Steamboats seldom tied up at the landing, preferring Randolph, and its growth was consquently slow. Taking one thing with another, this was an eventful year for the recently chartered town; besides the epidemic and the excitements attending the election of aldermen and organising the town government and the loss of the County Court it experienced all the disorders incident to a heated political contest—a general election. Political feeling was running high, and was bitter, and there was "a shower of candidates." On the 1st of October the *Jackson Gazette* in addition to John C. McLemore and William Blount, heretofore announced as candidates for governor at the election in August, 1827, printed the names of General Houston, R. C. Foster, Felix Grundy, Colonel Cannon, and John Rhea. "As the list increases," says the *Gazette*, "we will notice it," and as if disgusted, the editor asks, "why are the people to be so miserably beset about the election of governor?" But as a counter-irritant for this, in the same issue we are told, "the country is filling up with good people from North Carolina and Alabama, and some from Virginia, and flatboats loaded with merchandise from Philadelphia are arriving almost every day." "Davy" Crockett, the eccentric frontiersman, who, in 1824, closed his third term in the Legislature, was a candidate for Congress, and was elected. He had been a candidate in 1825, but was defeated by Colonel Adam Alexander, the first congressman from West Tennessee, the strongest of his competitors, by 3,400 votes. "Davy" was an ardent supporter of Jackson, who at this time in Tennessee was in the condition of the monarch, "whose power there was none to dispute." Fealty to him was a necessary qualification for any office of honor or profit. But this did not save him from attack. "Aristides,"[2] in the Jackson *Gazette*, of the 30th of July, took him to task for having, in the Legislature, neglected the interests of his constituents in consenting to the changing of the time of holding certain

[1] Abraham Lincoln, then a flat-boatman, afterwards to become president of the United States, visited Memphis about this time, and was noted for his sobriety and peaceful disposition, as testified to by Mr. W. D., or "Wopanocha," Ferguson, who employed him on his plantation in Arkansas as a rail-splitter.

[2] Judge John Overton.

courts, and adding an East Tennessee brigade to the militia of the Western District. This defeated him. Geographical lines counted for something even at that early date, in the politics of the State.

Marcus B. Winchester was re-elected mayor in March, 1828. His administration was uneventful. After the subsidence of the excitement attendant upon the organisation of the city government, there remained some disquiet among the restless, who could not quite understand what incorporation really meant. Out of this grew the desire for opposition that in a few months was organised as South Memphis, which embraced all there is now of the city between Union street and the north line of Fort Pickering. This had been the property of B. Fearn, from whom it had been purchased by a company that laid it out in lots. Nothing could have been designed or called into existence better calculated to burden the future of the two young communities than the unnecessary expense of two municipal governments that followed, and the cost of opening miles of streets that for many years were to serve as mere by-ways. It was the seed out of which cropped in later years the unnumbered woes of public debt, of law-suits involving costly litigation, the curse of scrip indebtedness, loose and unbusiness-like methods of issuing bonds and a reckless extravagance with the people's money. Had Memphis been permitted to grow compactly, millions of dollars might have been saved, and a direction been given to the life of the city, that would have placed it to-day, as to population, where it may be at the end of the century. No city in the country has suffered so much from the fever of enterprise, based "on the future." This gave rise to, and fostered local jealousies that retarded the growth of Memphis and brought to both places all the evils that attend upon a house divided against itself. Besides this, the people of Memphis were opposed to the proprietors, and did everything they could to hinder and hamper them. For the third time, in the brief existence of the town, they came, this year, into conflict. The former had invaded the Promenade, contrary to the plan and purposes of the latter, and there was bad feeling on one side and a great deal of indignation on the other. Judge John Overton, in a letter to William Lawrence and M. B. Winchester, dated January 21, 1828, expresses this indignation and administers a sharp rebuke for this trespass. He explains the purposes of the proprietors. He says: "Agreeably to the plan of Memphis,[1] a certain quantity of ground, well-defined and laid down in the

[1] The undersigned proprietors of the land on which the town of Memphis has been laid off, having been informed that doubts have arisen in relation to their original intention concerning the same, for the purpose of removing such doubts, do hereby make known and declare the following as their original and unequivocal designs and intentions in relation thereto:

First. All the ground laid off in said town as streets or alleys, we do say that it was always our intention that the same should forever remain as public streets and alleys, subject to the same rules and regulations as all streets and alleys in towns or cities, forever obligating ourselves, heirs or assigns, and by these presents, we do bind ourselves, our heirs, etc., that

plan of said town, was set apart for a promenade, and of course to be enclosed by the citizens of the town at an early period, so as to answer the intended purposes; and to prevent the destruction of the ground itself. The period for this inclosure has already arrived, as stated in my confidential communication

the above streets and alleys shall continue eastwardly as far as lots are laid off, and the streets, though not the alleys, as far east as Bayou Gayoso, agreeably to the last survey and sale.

Second. In relation to the ground laid off in said town as public squares, viz.: Court, Exchange, Market and Auction Squares, it was the intention of the proprietors that they should forever remain as public grounds, not subject to private appropriation, but public uses only, according to the import of the above expressions, Court, Exchange, Market and Auction Squares.

Third. In relation to the piece of ground laid off and called the "Promenade," said proprietors say that it was their original intention, is now, and forever will be, that the same should be public ground for such use only as the word imports, to which heretofore, by their acts, for that purpose, it was conceived all right was relinquished for themselves, their heirs, etc., and it is hereby expressly declared, in conformity with such intention, that we, for ourselves, heirs and assigns, forever relinquish all claims to the same piece of ground called the "Promenade," for the purpose above mentioned. But nothing herein contained as to the Promenade shall bar the town from authorising one or more ferries to be kept by the proprietors, their heirs or assigns, opposite said Promenade and the mouth of any of the cross-streets on Mississippi Row.

Fourth. In relation to the ground lying between the western boundary of the lots from No. 1 to 24 inclusive, and the same line continued in a direct course to the south bank of the Bayou Gayoso and the eastern margin of Wolf and Mississippi Rivers, and between Jackson street extended to the river and the said south bank of the bayou, it was the original intention of the proprietors that there should, on said ground, forever be a landing or landings for public purposes of navigation or trade, and that the same should be forever enjoyed for those purposes, obligatory on ourselves, heirs and assigns; but all other rights not inconsistent with the above public rights incident to the soil, it never was the intention of the proprietors to part with, such as keeping a ferry or ferries on any of the public ground, an exclusive right which they always held sacred, and never intended to part with in whole or in part.

Fifth. The first block of ground lying east of lots Nos. 329 and 330 and north of Poplar street, being 148½ feet square, having heretofore been used as a public burying-place, the same is hereby given, granted and conveyed forever to the town of Memphis, provided the practice of burying henceforward cease therein.

Sixth. Inasmuch as they have been advised that it is the general wish of the citizens of the town that the public burying-place should be so moved out of the town, and being applied to by the corporation of Memphis for the purchase of four acres of ground on the Second Bayou for a burying-ground, in consideration of their desire to furnish said town of Memphis with every convenience which it wants, whether natural, sacred or commercial may require, they do hereby give, grant, bargain and sell forever to the citizens of the town of Memphis, and all their heirs and assigns forever, for a public burying-ground, subject to such regulations as to them may appear requisite, the following described lots of ground, viz.: Beginning at a black gum on the south bank of the Second Bayou; thence south twelve degrees east twenty poles seven and a half links to a stake, with white oak and a black oak pointers; thence south seventy-eight degrees west thirty poles to a stake, with a black gum pointer; thence north twelve degrees west twenty poles seven and a half links to a black oak on the bank of the Bayou, a gum and beech pointers near the mouth of a small ravine; thence up the south bank of the Second Bayou to the beginning, containing four acres, and including the present burying-ground; and they further declare and acknowledge that there shall forever be kept open a right of way not

to my agent, William Lawrence. Under these circumstances it was with no small degree of regret that on my landing on the bank at Memphis, on the 31st ult., it was perceived that a public street had been deeply cut through this same promenade without the consent of the owners of the soil, who set apart this same piece of ground for a special purpose and for none other. It might have been done by one or two individuals, without a participation of the majority of the citizens, for aught appears to the contrary. Supposing, however, it to have proceeded from either source, there was no authority for doing it; if, however, from the latter source, as it is the wish of the proprietors to accommodate the citizens, when they can do it without injury to themselves, as the principal proprietor, I propose one of two things (if a public street is desired by the citizens), viz.: to contract the promenade, making its northern boundary on the southern boundary of said newly opened street through the promenade, and making a street to the river of the usual width. The part of the promenade so cut off and lying to the north of said newly-made street to become private property and sold out by the proprietors; if this should not be assented to, said newly-made street must be suppressed by the inclosure of the whole promenade, as the proprietors have a right to insist. It is too obvious to require a passing remark, that the street will break the continuity of the promenade, and consequently the part to the north of the street can make no part of it, and equally evident is it that, if the town people desire a street there, the northern part thus cut off must inure to the proprietors as their private property. As principal proprietor, I am willing the citizens may have their choice. If they violate the plan themselves, making streets where none were laid off, the proprietors have their rights. It has been suggested that it would be desirable and promotive of the health, convenience, and interest of the citizens to have access to the river through the promenade; if such be the desire, as principal proprietor, I am willing that the promenade shall be divided into three divisions as nearly equal as the situation on the bank of the river will admit, by the continuation of two of the cross-

less than twenty feet wide from some point on the Alabama road, as it now runs opposite to the grave-yard, directly to it. In witness whereof, we have hereunto set our hands and seals this 18th September, 1828.

JNO. OVERTON, [SEAL.]
One of the Proprietors.
JNO. C. MCLEMORE, [SEAL.]
GEO. WINCHESTER, [SEAL.]
WM. WINCHESTER, [SEAL.]
Surviving Owner by
M. B. WINCHESTER,
Special Agent and Attorney in fact.

WITNESS:
RICH. S. WILLIAMS,
WM. LAWRENCE,
M. B. WINCHESTER.

streets of equal width across the promenade, to serve as pass-ways, to be always kept open but not to be built on by the owners, corporation or any other person or persons, but merely to serve as open ways. At such time as you may think proper, please make this matter known to your mayor or aldermen, or police court of the town. If approved by them, let it be placed on record, and if with the assent of M. B. Winchester, agent, let it be so expressed. A formal instrument or declaration will be given by Mr. McLemore and myself." This letter led to a long correspondence, the last letter of which from Judge Overton to M. B. Winchester, was written on the 21st of October, 1830, in which, after acknowledging the receipt of two letters from the latter, dated respectively on the 12th and 14th, he says: "I was particularly gratified to find that we agree in relation to the construction of the proprietors' last declaration. It was very important that we should have held this correspondence, so as to ascertain our views in relation to this matter. Why, it may be asked. Because, whenever the subject shall be mentioned in your town, among the townspeople in your presence, that you may explicitly state the understanding of the proprietors themselves in relation to this matter; so as not to leave it in the power of the people at Memphis to say, that it was an after-thought, as they said in relation to the ferry, than which nothing could be more untrue; for on the honor of a man I always, before the purchase of the Rice heirs, in 1795, considered that at some day, the water privilege attached to the banks would be worth more than all the lots and lands about the place. Will any, who ever knew me, deny that I was not a lawyer of no ordinary grade, in 1795? and did it not require such a lawyer to foresee such a matter? An ordinary man of business, and knowledge of mankind, and knowledge of the geography of the United States with the Mississippi, could easily foresee such a state of things. Men must be stupid, themselves, who can impute such a want of foresight to me. I repeat, do not let or suffer any misunderstanding to go abroad in this matter. Moreover, I beg you that you will have a strict eye over our suit in trespass, now depending in your court. It is a very important suit to the proprietors. I fear it will not do to try it in Shelby county. How will it do in Tipton, Fayette or Hardeman? Where will there be the least prejudice against the proprietors? Direct your attention entirely and constantly to this matter." This is sharp comment, but it was fully justified. It shows the state of public feeling which at this time seems to have been leavened with something like communism, and a great want of appreciation of the liberality of the proprietors in laying out the town. But there was still more of this feeling in store for them. In this year there occurred a great flood in the Mississippi, the greatest, it is believed, of the present century. All the low lands on both sides of the Mississippi, below the Ohio, were deeply inundated. There were three "rises"; two during the winter, and one in the spring. This flood exceeded that of 1815, which

reached its highest point on the 9th of April, and was due to coincident floods in the Ohio, Mississippi, Missouri, Cumberland and Tennessee Rivers. There was very little property destroyed except in Louisiana, where the then completed levee system was unequal in some places to the strain occasioned by the rushing and pushing current. Memphis escaped, with some inconvenience to the people of Catfish Bay. In 1829 the postmaster-general established a line of stages *via* Nashville, Charlotte, Reynoldsburg and Jackson, to Memphis, running three times each week and carrying the mails, and the charter of the town was amended so as to confer upon Memphis all "the corporate rights, privileges and capacities that had been conferred by the acts of several legislatures upon the corporation of Nashville," and Mr. Isaac Rawlings, the oldest inhabitant, who had been a candidate for Congress the previous year, was elected mayor, and re-elected in March of 1830, and served until the same month of 1831. The town had grown, notwithstanding the rival corporation, the United States census of 1830, putting the population at 663. The first fire engine company was organized and equipped, and it became the nest of a power to be felt, not always for good, in future municipal elections for many years. Mr. Rawlings, the records tell us, made a good mayor, as he could not fail to. His methodical and prudent habits, and his fidelity, followed him into all his undertakings. As a magistrate, by appointment of the Legislature after the extinction of the Indian titles, he devoted himself to the study of the law,[1] so anxious was he to be right. Something like vanity of knowledge and opinion grew out of this, but it never clouded or obscured his sense of justice. He was never as happy in his interpretation of written law as when "guided by the dictates of an honest heart." He maintained, however, his hold upon the people, and never, in any degree, lost their confidence. Even his opposition to the charter was regarded as due to his eccentricity, and the sense of authority that had crystallised as a result of years of public deference. "He was the general referee, and the man who refused to bow to his decrees was voted a knave. The people looked up to and reverenced him, while his stern and repulsive manners rather added than detracted from his influence."[2] As mayor, Mr. Rawlings "superintended all the work, and paid out the money as though it were coming from his own pocket. He greatly improved the streets, and manifested a constantly expressed interest in the growth and prosperity of the State."[3] During the last year of his administration, the Baptists, Methodists, Presbyterians and Cumberland Presbyterians, made some permanent arrangements for places of worship. The questionable itinerants had had their day. The capricious people were tired of Coffey and the Rev. Silas T. Toncray, who, besides being a preacher, was a silversmith, watchmaker, engraver, sign-painter, doctor, dentist and druggist.[4] Coffey had left the Baptists and

[1] James D. Davis. [2] *Ibid.* [3] *Ibid.*

[4] The *Appeal* of February, 23, 1847, contains a brief sketch of the Rev. S. T. Toncray, who

joined the Methodists and left them in turn for the Roman Catholic church, which he left at last beause it would not permit him to preach. He was as ignorant and inconsistent as Toncray, and like him, was not averse to politics and office.[1] The eccentric Lorenzo Dow, who preached at the Chickasaw Bluffs in 1826, had left a memory of pulpit oratory that dissatisfied the infant community with the precarious parsons. Mr. Wright, an Episcopal minister, a friend of Mr. Rawlings, and who had perhaps known him as a chaplain in the army, had also made an impression of dignity such as becomes a minister of Christ, and of persuasive powers as a speaker. A house begun in 1828 by Mr. Charles G Locke, and which he was not able to finish, was used for a time by all the denominations with his consent. The Presbyterians, however, soon found a room in a house belonging to Mr. Schabell, and the Cumberlands built a home of their own. The Rev. William Whitsett was their pastor, the Rev. Samuel Williamson was the Presbyterian pastor, and the Rev. F. A. Owen and the Rev. (afterwards judge) P. T. Scruggs, were the Methodist ministers. The first stage line to Somerville was established in 1830, and the dramatic stage had its first beginning during Mr. Rawlings's administration and contemporaneously with the church. The Thespian Society, which had been organised in 1829, called the afterwards renowned comedian, Sol Smith, to Memphis, and in 1830 he re-organised it under the name of the Garrick Club. But "Sol" was out of his element as a guide to amateurs, and though he did well, could not and did not remain. He laid the foundation, however, of the stage in Memphis. Mr. Smith was even then well known as a manager in the Southwest. As early as 1825 he had travelled with dramatic companies, and in the fall and winter of 1829 introduced Cooper, the great tragedian, at Nashville, Jackson, and Bolivar, where temporary theatres were put up for the performances. Cooper, whose remains are interred in St. Paul's churchyard, New York, was a contemporary of the elder Keene and the elder Booth and ranked with them, many thinking him superior to either. The advent of so great an artist in the then "Wild West" must not be construed as indicating anything like general dramatic culture. It was merely a venture of the manager, who, beginning life as a "barn-stormer," was willing to take the chances wherever a few hundred people were gathered together.

Crockett was a candidate for re-election this year. Pleasant M. Miller,[2] a

died about that time. It is copied from the *Enquirer*, and it says of him that, "Though living in humble circumstances, and occupying a comparatively small space in the public eye, he was one of the most estimable and useful members of the community. He was a good man in the Christian sense of the term, and of his own means, the fruit of the labor of his hands, he had built a handsome little church, of which he was the pastor. He was a 'hard-side,' or old-fashioned Baptist, one of those old-fashioned disciples, who not caring over much to seem to be very religious, yet quietly do much in their day and generation that Christianity enjoins."

[1] They both served as aldermen.

[2] Some time after this Miller was elected to the House, to fill the seat in the House va-

lawyer of ability, and one of the striking figures of his day in Madison county, of whom we are to hear more by and by, was one of Crockett's opponents, and being too much intellectually for the pioneer, that worthy had recourse to every expedient possible to win his way. He made a strong point in favor of his re-election by sending the Jackson *Gazette* a copy of his amended bill in relation to vacant and unappropriated lands south of the congressional reservation line, in which he proposes to give to each occupant one hundred and sixty acres of land, thus anticipating Andrew Johnson's Homestead act of 1857–1861. Crockett had also kept the editor in public documents, and by thus appealing to his sense of self-importance compelled a reciprocity of favors in a well-timed puff. Miller declined the race, and Estes in the *Gazette* of April 4, 1829, publishes a circular attacking Crockett, of which Miller subsequently remarked, "he (Estes) refers to me because he has changed his mind about Jackson and could not support him." This was a solid shot. Jackson was all powerful, and opposition to him was certain to prove fatal to any candidate, as Crockett himself was to find out. Crockett was elected in August by 2,400 votes more than Alexander, who had taken Miller's place, and who received 4,300 votes, Estes getting only 132, and Clark who had announced himself a short time before the election, nine. Estes learned that opposition to Andrew Jackson was a costly indulgence. In reply to a communication which appeared in the *Missouri Republican*, accusing Crockett of adultery and drunkenness, the Jackson *Gazette* in its issue of August 15, in a column close to the election returns, says, editorially: "All his friends admit that he is somewhat eccentric, and that from a defect in his education his stump speeches are not famous for polish or refinement, yet they are plain, forcible, and generally respectful." The *Gazette* also published Crockett's speech in support of his resolution for the abolition of West Point, in which he refers to the backwoodsman, who drinks coffee or tea but once a week, paying duties on these luxuries in order to support an aristocratic institution, and he denounces the tariff system as one "literally calculated to pick the pockets of the poor to educate the sons of the rich." There is also a correspondence published between Crockett and C. D. McLean, the editor of the *Gazette*,[1] and James K. Polk, relative to the removal of Mc-

cated by George W. Campbell, who was sent as minister to Russia by President Jackson. New to the House, he attacked John Randolph, who squelched him in this way: "Mr. Speaker, I rise to say that I notice that Mr. George W. Campbell's seat is still vacant."

[1] Colonel Charles D. McLean was a native of Virginia, where he was born in 1795. Emigrating to West Tennessee he settled in Jackson in 1823-4. On the 29th of May, 1824, he, with Elijah Bigelow, issued the first number of the Jackson *Gazette*, which he continued to publish till 1830, when it was sold to J. H. McMahon, who changed the title to the *Truth Teller*. The *Gazette* was the immediate successor of the *Pioneer*, the first newspaper published in Jackson. The *Gazette* was the only paper published in the Western District for several years, and it was the special advocate of General Jackson and David Crockett from 1824 to 1830, Colonel McLean represented Madison county in the Legislature during his residence in Jackson, which place he left soon after he sold his paper and took up his residence in

Lean from the office of public printer of the United States (publisher of the laws), which Crockett disclaims having had anything to do with, saying: "To General Jackson I am a firm and undeviating friend. I have fought under his command; I am proud to own that he has been my commander. I have loved him, and in the sincerity of my heart I say that I still love him; but to be compelled to love every one who for purposes of self-aggrandisement pretends to rally around the Jackson standard is what I can never submit to." Crockett was preparing to break with his old commander, and was taking the initial step towards the close of his political career in Tennessee. The Fates were weaving a web for Davy and another noted Tennessean, General Houston, who had been elected governor, and who had resigned on the 16th of April, 1829, and left his bride (formerly Miss Eliza Allen) and the State forever, vouchsafing no explanation save that contained in the letter published in a previous chapter, and that there was neither blot nor stain upon Mrs. Houston. He went at once to the Indian territory, and rejoined the Cherokees, whose chief, Ootooteha, had adopted him in 1808, when he ran away from home and gave up a mercantile career, remaining with the Indians three years. Houston was a thoroughly honorable, upright, and brave man, and his conduct in so suddenly giving up so high an office and the promise of a great career remains to this day an unsolvable mystery—a puzzle to the public. The Jackson *Gazette* of November 14 announces that the mails from Nashville to Memphis are hereafter to be carried by a four-horse stage, *via* Jackson, Clover Creek, Bolivar, Middleburg, Sommerville, and Raleigh, three times a week. The *Gazette*, on the 13th of February, 1830, has some severe strictures on those who oppose the carrying of the mails on Sunday, and says: "Even the Nashville people, some of them, are putting their dirty fingers into this matter." There was evidently some feeling against Nashville at this time. It was accused of monopolising the offices and controlling State affairs to the exclusion especially of the Western District, the *Gazette* asserting that even the Bank of the State of Tennessee was "an engine of oppression upon the people for the benefit of a few men about Nashville." It continues: "There seems to be something corrupt in many of the public transactions at Nashville, that it certainly leads those who are uninfluenced by prejudice to inquire if it would not be consistent with sound policy to remove the seat of government from that place to some point better calculated to keep the aristocracy of the country from operating on the members? . . . The bank of the State has been seriously injured by the passage of an act requiring the money of a rotten institution — the Bank of Nashville — to be taken in payment of debts, in fact virtually amalgamating the two banks." But this was not the

Shelby county, where within a mile or two of Memphis he continued to reside until his death on the 15th of February, 1881. He was known as the "best in the world," because that was his invariable response to the inquiries of his friends as to his health.

Gazette's only cause for dissatisfaction. In its issue of the 30th of April, speaking of the Western District, it says: "The facilities of intercourse are increasing daily by the construction of bridges, turnpikes, the running of stages and steamboats, and the astonishingly improved moral condition of the people"; and it dwells at length and with pride on having seen "fourteen counties organised and peopled by an industrious and happy people, jealous of their rights, and devoted to the man [Jackson] who secured to them the peaceable possession of their homes." It is estimated that 50,000 bales of cotton have been shipped from the district the present season; yet "not one dollar has been expended by state or national government for the improvement of or to remove obstructions from our western rivers." About the 8th of March, as the *Gazette* tells its readers in this April issue, General Sam Houston attended a meeting of the Indian Board, at New York, and made a speech urging that the Chickasaw and other Indians be removed to the country west of the Mississippi River. And in the number for May 1, 1830, it announces with pleasure the defeat, on the 14th of April, of the bill for the construction of a national road from Buffalo to New Orleans, the Tennessee members having voted, aye: Blair, Crockett, Isaacs, and Standifer, 4; nays: Bell, Desha, Johnson, Lee, and Polk, 5. Crockett, in a letter to the editor, C. D. McLean, explains his vote, and says that when the engineers came to survey for the road, they would stop at Memphis, but "my greatest object was to speak against the duties on such articles of necessity as every poor man in the country is compelled to consume in his family." The tariff was, in his eyes, the paramount evil, and was responsible for all others, and for all the aristocratic tendencies that in the East were a constant offence to him. But "the Bear Hunter," as he was called, was destined to further disappointment. His land settlement bill was defeated on the 1st of May by a vote of 69 to 90. For this, however, he had something like recompense in Felix Grundy's exonerating him from having made changes in the public printing. This was a point on which he was very sore, and help from so distinguished a senator, in clearing himself of the charge, was very grateful to the old frontiersman. Another panacea came to him in the form of a letter to the *Gazette*, signed "A Voter," endorsing his course in standing up for his own opinions in opposition to Jackson. He had taken a stand against his old commander, and had taken it bravely. The candidacy of Crockett for re-election to Congress in 1831, and the encouragement he received in Memphis, was a sore point with the friends of Jackson whom he had, much to the delight of the Federalists of Boston, denounced as a tyrant worse than the Cæsars. Judge Overton was especially "put out" by it. Writing, on the 3d of July, 1831, from the Rip Raps, Va., where presumably he had gone for his health, he says to M. B. Winchester, "I see from the last Memphis *Gazette* that a majority of the people of Memphis will vote for Crockett for Congress. Be it so, as they are freemen, though Mr. C. is known

to be, and professes to be, opposed to the present administration. It can't be because the last administration promoted the growth of Memphis. But for the present administration it would not have risen as it has. Don't your citizens sometimes think of this? What administration was it that made it the great leading road East and West throughout the United States to Mexico by the establishment of three stages a week, and besides speaking of it as it deserves? Is there no consideration of these things? besides giving the public printing of the United States to the editor of your newspaper?" This appeal was almost fatal to Crockett. He was elected, but by a very close vote. But Judge Overton, as the watchful guardian of the interests of Jackson's administration, was not only mindful of Crockett, but of his own agent at Memphis, M. B. Winchester, who, as postmaster of the town, he thinks should set an example of strict fidelity to the administration. On the 11th of February, 1831, he sends him a copy of the new Nashville *Globe*, Jackson's organ, and asks him to procure subscribers for it, and to get Phœbus, the editor of the *Gazette*, to copy freely from it. On the 17th of September, 1831, he writes to Winchester to this effect, and tells him that he understands that "a Clay newspaper was about being set up in Memphis," and he asks, "is it so?" "Let me know," he orders, "whether you are one of the patrons or not. Whether you are or not would make no difference in as large a city as Philadelphia, Boston, etc., but in a little village like Memphis has or may have here an important bearing towards your agency with the proprietors, whose business it is to look to the bearing of all circumstances, particularly where the people have manifested so much hostility as those about Memphis have.[1] In the North, where people are generally minutely informed, it was stated to me that you yourself was not considered in favor of the administration. I contradicted this, as I was warranted in doing, from your conversation with me, and because I feel convinced that your sense of honor and delicacy would forbid your holding the office of postmaster if it really were the case that you are not in favor of the administration." The judge, a whole-hearted friend himself, would brook no doubtful or indifferent feeling in those who were close to him in the bonds of friendship or service. His companion, the man he had found a friend through all the chances and trials of a life full of adventure, was entering upon a crisis, a very critical period in his great career. To be re-elected was to be endorsed by the people. To be defeated was to be condemned. It was not, therefore, a time for men to play fast or loose even in a little frontier town where the voters were few and their effect upon the national destiny must be trifling, if anything. The force of example counted for much in such an emergency, and Overton, who was perhaps the first to

[1] The feeling against the proprietors was still bitter. Judge Overton, on the 14th of January, 1831, in a letter to M. B. Winchester, asks, in reference to the batture, "Has the venue of this trespass, on which much depends, been changed? I fear a fair trial cannot be had in Shelby county."

mention the presidency to Jackson, was determined, in the teeth of declining powers of mind and body, to second and sustain the man he admired, and secure him the coveted endorsement of the people whom he had served with singleness of purpose and unselfish fidelity. There is no other and similar example of friendship, such as is here laid bare, in the whole range of American history. Judge Overton was a man who, by right of ability and social position, might have aspired to any place in the gift of the American people, but he preferred his friend even to himself, and he spoke and wrote and worked for him to the latest day of his life. Crockett, whose majority had been cut down to a perilously close figure by the efforts of Judge Overton, did not again venture to test the power of his old commander. He confessed his influences to be paramount in 1833, and declined to run for Congress. But in 1835 he was persuaded to tempt fortune again. He ran in opposition to Adam Huntsman, upon whom he perpetrated a doubtful joke.[1] Huntsman, on account of his loss of a leg, was called "Peg-leg." "After all had retired for the night, at the house of a well-to-do farmer, a great Jackson man, who had a handsome daughter, Huntsman went to sleep, and Crockett to planning. An idea occurred to him, which he immediately carried out, in this way: Getting up quietly, he opened the door, taking a chair and walking stealthily across to the young lady's room, made an apparent effort to force her door open. This awoke the girl, who uttered a scream, when Crockett, hastily catching the chair by the back, and placing his foot on the lower round, using it as a leg, hurried back to his room, where he dropped the chair, jumped into bed and went to hard snoring. The next moment the farmer rushed into the room and was about to kill Huntsman, whose protestations of innocence he paid no attention to. 'I know you too well," the farmer exclaimed, "and heard that damned old peg-leg of yourn, too plain.' But this and other expedients did not save him. Jackson's influence was too much for him, and he retired in disgust. In 1836 he sought a new career in Texas, then in revolt against Mexico. His life had been a wayward one, and he could not tie himself to routine. He was the son of an Irishman, of good family and some education; a soldier of King's Mountain, who, after trying many ventures, settled down and opened an inn on the road between Abingdon, Va., and Knoxville, where he reared a family, giving his children as much education as the country afforded. But David could not be restrained, and while only twelve years of age, he ran away from home to avoid a flogging for non-attendance at school. For five years he roamed about the country with drovers and carriers, and then returning home attended school for two months, and soon after married and removed to what is now Dyer county, whence he entered public life. He served in the Creek War under Jackson, and distinguished himself for courage and bravery in the ranks, and daring as a scout. In 1821 he removed to what is now Obion county, and there

[1] James D. Davis.

for several years gave himself to the life that to the last he loved. He was elected a magistrate and subsequently was sent to the Legislature. In 1823 he visited Memphis, for the first time, on his way down the river from Dyersburg, then a mere landing on the Obion River, on a trading expedition, which proved a failure. His boat, a flat of approved construction, and loaded with staves, went broadside upon a sawyer, just above Paddy's Hen-and-Chickens, in sight of Memphis, and was cut in two. Carried swiftly on the after part of the boat by the current from the scene of the disaster, Crockett and his companions were rescued by some of the townspeople who happened to be witnesses of the catastrophe, and bravely put off in boats to his rescue. This made him the hero of an hour, and he availed himself of it to secure the good-will of the people, who helped, by their votes, to keep him in public life so long. In three years after Crockett closed his congressional career he was on his way to Texas, and seven years later was murdered with his compatriots of the Alamo. One of the last to die, he was shot down at the head of the stairway leading from the upper room in the southern wing of the old monastery, while defending it against a swarm of Mexicans, whom he had seen slaughtering his comrades as they defiled into the yard below, believing themselves secure under the stipulations of the commanders of the respective armies.[1] But

[1] Colonel R. L. Crompton, of Roxbury, Mass., who was an eye witness of the siege of the Alamo, tells the story of the awful carnage that made the old church historic for all time. He left his home in Massachusetts, he says, "To seek his fortune in the West, determined to settle in Lexington, Ky., but while on the Ohio River I fell in with a party of young men who were on their way to join Col. Travis, in Texas, and, carried away by their vivid pictures of the life of adventurous excitement that awaited them in that country, I joined their band, without much knowledge as to the right or wrong of the cause which I pledged myself to sustain. We traveled by boat to New Orleans, and there took ship for Galveston. Here we procured horses, and proceeded to join the Texan forces, then operating in the neighborhood of San Antonio de Bexar." There he attached himself to the command, as he says, "of that magnificent Tennessean," Colonel Milam, under whom he helped to capture the town, which could not be held on account of the near approach of General Santa Anna, with a vastly superior force. They were compelled to withdraw, leaving Travis, with less than 150 men, to garrison the town. "I shall never forget the day when young Maverick rode into our camp with news that Travis, refusing to retreat, was shut up in the Alamo and surrounded by an overwhelming force. I do not know what madness possessed me, but when I heard that Houston had decided that he was too weak to march to the relief of Travis (as was indeed the case), I determined to gallop to San Antonio, endeavor to steal through the Mexican lines and join my old Kentucky friends, who were nearly all within the garrison walls. I reached San Antonio without difficulty, and found that one assault had already been made, and that the besieged had more than held their own. So far all was well, but in endeavoring to creep between the Mexican pickets I was fired upon and wounded, and owed my escape from death to the darkness. With difficulty I made my way to the house of a Mexican whom I had befriended during our occupation of the town, and he generously agreed to conceal me in his house. A narrow window commanded an excellent view of one front of the Alamo wall, and from this point I could see nearly all of that memorable struggle. Day after day the Mexican fire was kept up, and time after time were their storming columns hurled against the old church-wall, which formed the Texan rampart. Nothing could disturb the calm desperation of the defenders, and at the close of each day

he was nobly avenged by Houston, who, with his army at the battle of San Jacinto, revived the heroism that, under Sevier, and later under Jackson, won for Tennessee's soldiers imperishable laurels. It would be difficult to find in any country, at any time, a man who better than Houston illustrated the virtues of self-denial, courage of opinion, and self-discipline. He was equally at home in the field, the Senate, the wigwam, or the drawing-room. When he fled from Nashville he went at once to the Cherokees, then recently removed to the territory set apart for them, immediately west of Arkansas, chiefly by his influence and his appeals, the same Indians with whom he had spent his boyhood and young manhood, and thence found his way to Texas, the scene of his greatest achievements and triumphs. Worthy sons of the men who, under Jackson, fought and conquered the Indians in Florida, Georgia, Alabama, Mississippi, and Tennessee, Crockett and Houston proved, by their devotion to the cause of the infant republic of Texas, that in them liberty had disciples who knew how to suffer, to endure and die in her behalf. They were impelled by the same adventurous spirit as induced De Soto to engage in the hazardous enterprise that ended in his death beside the river of the Holy Ghost; and they were prompted

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the lone star flag floated as proudly, and, apparently, as securely as ever from the roof of the mission. The Mexican losses were fearful. Their clumsy escopetas were no match for the long Hawkins rifles in the hands of Kentucky and Tennessee backwoodsmen. Hundreds fell every day, but their loss was little felt in that overwhelming host, while every man of the garrison who died was an irreparable injury. The line along the wall grew very thin, but still there was no thought of surrender amidst that gallant band. At length, when death and wounds had reduced the poor handful to half its original numbers, the Mexicans effected a lodgment in an undefended portion of the wall, and poured in by hundreds. Although there now was no hope of success, the brave Texans fought as steadily and firmly as on the first day of the siege. From room to room went the fight, and the puny Mexicans learned by bitter experience what deadly weapons bowie knife and clubbed rifles were in the hands of desperate Americans. But human endurance has its limits, and at length Santa Anna was master of the Alamo, but not until the last American lay cold in death. From my window I could hear the shouts and yells and see the struggling figures. When all was over I begged my host to go into the Alamo and bring me news of all that had occurred. He came back in an hour or two and said that such a shambles had never been seen. The dead were heaped in wild confusion all over the building, and the gutters fairly ran with blood. In a room on the ground floor was the corpse of Col. Bowie,[1] who had been butchered upon his sick bed. Not far from him was found the brave and eccentric Crockett. But the most impressive sight was in a small room in the upper story, where the gallant Travis lay, a bullet hole in his forehead, surrounded by the corpses of fifteen Mexicans, who had died by his own hand. Of the Texans, not one survived, but they did not die unavenged, as 1,600 Mexicans fell before less than 150. It was well said that 'Thermopylæ had its messenger of defeat, the Alamo had none.' I served through the rest of the war and was at San Jacinto, but after the tale of the Alamo, all seems small and petty, and it would be an ante-climax for me to continue my story."

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[1] James Bowie devoted his life to the achievement of Texan independence—was made a colonel in her service, and with Travis and Crockett, heroes all, yielded up his life in the ill-fated Alamo. Mrs. Dickerson and a negro man, the sole survivors of this massacre, said that at the time of the attack on the fort Bowie was confined to his bed by fever. He ordered a number of loaded rifles to be brought to his side, and had the door so barricaded that but one Mexican could pass through at a time. Here he lay and fired upon them until he shot nine. His body was riddled with bullets, and, as if they feared him even after death, they repeatedly thrust their bayonets into him.

by the same eagerness for exploration and discovery; but unlike the Spaniard, who was indifferent to colonisation, they desired to found states and extend the blessings of a system of government the rise and progress of which they were witnesses of for nearly half a century. To make Texas free, to make her a State of the Federal Union, and secure to her the advantages of interstate comity, commerce and trade, Houston hazarded and Crockett gave his life. To push the hybrid race that represented the "Dons," whom Jackson despised, back nearer to the Pacific as he had driven them out of Florida and away from the Mississippi River, the massacre of the Alamo was made possible by the sons of Tennessee on the far-off plains of the San Pedro. Behind Houston and Crockett and their compatriots there was the advancing wave of English-speaking civilisation, of peaceful settlement, of law and order, of stable and enduring constitutional government, and of industry energised by the rewards that ever wait upon it when sagaciously directed.

"Old Ike" Rawlings was succeeded in the office of mayor of Memphis in March, 1831, by Mr. Seth Wheatley,[1] who espoused the cause of the people of "Pinch," who were tenacious of their rights, which they deemed to have been assailed by Mr. Rawlings, because he gave his assent to an ordinance for the abatement of an insufferable nuisance in and about Catfish Bay, their stronghold. Mr. Wheatley was a young lawyer of ability, who easily broke his respected opponent down, especially as he was ably assisted by some "Pinch" orators, who denounced the nuisance ordinance "as a cruel, tyrannical infraction of the poor man's rights, and a violation of the constitution."[2] Catfish Bay was immediately north of where the Memphis and Ohio Railroad depot now is, where there is a bend in the bayou, which once constituted a considerable lake. Its original beauty has been destroyed, and the bed to some extent filled up by the building of the heavy embankment on Second street through it. This lake bade fair to become a place of no small importance. The landing was then quite contracted and not very safe for flat-boats. The flat-boatmen, therefore, who wished to close out and break up—as, also, family boats—found it very convenient to haul up into Catfish Bay, which, as its name indicates, was noted for its abundance of fish. This fact, and the cheapness of old rubbish lumber with which to build shanties, induced a number of poor families to settle upon its banks. "One group of mean houses,

[1] Seth Wheatley was born in Culpepper county, Va., in 1808; removed to Kentucky, thence to Tennessee, where he was licensed at Raleigh, Shelby county, to practice law in 1829. In 1830–31 he was mayor of Memphis, and afterwards was president of the Farmers' and Merchants' Bank. He married Mary E. Cook, a daughter of Judge William A. Cook, of Nashville. His second wife was Miss Jane E. Wheatley, of Meadland, Va. In Henry Clay's presidential campaign in 1843 he was strongly supported and handsomely entertained by Seth Wheatley. He died at his Shelby county plantation in 1858, leaving four children and a widow. He was a member of the Presbyterian Church.

[2] James D. Davis.

noted for the apparent destitution of their occupants—and whose masters were in constant attendance at the old Bell Tavern, rendering important service to that institution, by assisting to swell the bills when liquor for all hands was ordered—was dubbed, by old Craven Peyton, with the classic name of 'Pinch Gut;'[1] but whether this name was suggested by the hungry appearance of the wives and children, or by the dullness of the trade at the tavern, which sometimes subjected the husbands to the disagreeable necessity of going home sober, I am unable to say. As might be expected the topers did not like the name, and to remove it from the locality they insisted that it belonged to the opposite side of the bay, whose residents in turn took umbrage, and a feud was the consequence, which was greatly enjoyed by those who fancied themselves beyond the bounds of either; but this proved a mistake. More distant neighbors settled the dispute by lumping the whole surroundings of 'Catfish Bay' under the general appellation of 'Pinch Gut,' or 'Pinch Bay.' And it did not stop here, but continued to expand until it not only took in Smoky Row, but threatened to invade the aristocratic circles of Auction Square. All efforts to stay its march had the contrary effect, and a wide district became known as 'Pinch.'"[2] The name did good. It united the people of that end of the town to an extent that made them felt, and "Pinch" became a power, especially in the political affairs of the city. It was always "sound on the poor man question," and later became noted for its strong Irish vote as it is to-day for its negro vote. But Catfish Bay, after the Rawlings-Wheatley canvass, was destined to a brief existence. "Two nights after Wheatley's election as mayor, a perfect sluice of tan-ooze and filth," from Carr's tannery, was sent into the bayou, and thus found its way to the bay; the waters of which were so polluted that the fish were killed and the water could no longer be used for any domestic service. Great indignation followed, much of it expressed in the adjectives and expletives usual to the orators of Pinch, but Catfish Bay was ruined, and the people quickly left it and its shores. "Some of the boats were floated out, others were broken up, and the shanties were taken down and moved to other localities. The merchants and citizens were very liberal," and the change was effected in a very short time and at last "with the best of feeling." After a few days all were quieted down, and the names of Catfish Bay and Pinch Gut were dropped. "What a pity," adds Davis, "it did not remain so." During Mayor Wheatley's administration Memphis became

[1] Mr. Richards, for many years city register, and at his death one of the oldest citizens of Memphis, is authority for the statement that the word "Pinch," applied to what was the first ward, or from Market street north and east to Third street, had its origin in a game of shindy played by two clubs, one of Memphis and the other of South Memphis. The members of the latter club were tall and slender, and were, for that reason, named "Straight Guts." They retaliated for this by dubbing their opponents, who were short and dumpy "Pinch Guts." From these the part of the city in which they lived was called "Pinch."

[2] James D. Davis.

the object of a fierce contention between the States of Mississippi and Tennessee, and the Chickasaw Indians. All these claimed it, the latter asserting that the town was built upon part of their reserve, and the States that it was within their respective jurisdictions. These claims were, however, easily set at rest so far as Mississippi and Tennessee were concerned, by a re-survey, which put the city three miles farther north of the boundary line than had been claimed before. The Indians' claim was settled by the national authority. About the same time, growing out of the illiberality and neglect of the State, a feeling of great dissatisfaction existed, which lead to the discussion of the formation of a new State,[1] to embrace so much of Kentucky as was bounded by the Ohio, Tennessee and Mississippi Rivers, all of West Tennessee, and that part of Mississippi known as the "Indian Reserve." Jackson was reported at the time to have favored this scheme,[2] and had it been pushed it might have been successful. Among the names suggested for this new State were Memphis, Jackson and Chickasaw. Of these the most popular was Memphis. The people were restless and in a very feverish condition, and were ripe and ready for anything that to their susceptible hearts would make fortune a nearer possibility to them. They even contradicted themselves and went to the aid of the "hated proprietors," clamorous for lots, and they insisted on the proprietors supplying the demand. Judge Overton seems to have been willing to accede to this demand. Mr. McLemore, writing on the 24th of November, 1831, to Major M. B. Winchester, Overton's agent, advises: "Now, while the judge is willing to sell, you must find purchasers. I will urge the judge to instruct you to sell, and when the instructions reach you, act. Get the property out of his hands. It is to his interest as well as that of the town, that he sell. He is getting very infirm and can't last long. My lots are not for sale at present prices." Overton was still willing to sell. He wrote Winchester on the 29th of January, 1832, that "all future sales, at least for some time to come, is likely to fall entirely on my unsold lots." The path of the proprietors was anything but smooth. They could not, with all their advantages, have things their own way. Besides the people, who were inimical to them, there were the projects of Fearn, in South Memphis, and McLemore, in Fort Pickering. Fearn was pertinaciously hostile, so much so that Judge Overton had thought it best, in 1830, to placate him by appointing his partner, Robert Lawrence, joint agent with M. B. Winchester. The river front was a bone of contention from the first. Judge Overton himself, says, writing to Winchester: "I always, before the purchase of the Rice heirs, in 1795, considered that at some day the water privilege attached to the bank would be worth more than all the lots and lands about the place." So alive to this was the judge, that he proposed about this

[1] James D. Davis.

[2] The same scheme was revived after the Civil War—1865-'67.

time to McLemore, to mutually grant to each other the right to establish ferries in Fort Pickering, to prevent competition with the Memphis ferry.[1] To this McLemore acceded, and Overton became owner of half the landing. McLemore was full of a great scheme that was then being talked about, and into which he went with rather doubtful public spirit, and it was therefore a comparatively easy matter for Overton to make this bargain. In the building of the La Grange Railroad, McLemore thought he saw an opportunity for outstripping Memphis at a bound. He owned 995 acres of the Ramsay grant, and Judge Overton 181 acres, and he made a bid for the location of the western terminus of the road and secured it in the face of the strong competition of Memphis. All sorts of impossible things were predicted of this enterprise; but with a hamlet at one end, and an Indian trading station (La Grange) of 240 inhabitants at the other, and an unsettled country intervening, what was to be expected but failure? McLemore was nearly ruined by the ill-starred scheme, and all his plans were upset. Referring to this failure, Judge Overton, writing to M. B. Winchester, on the 27th of December, 1832, said of McLemore, that "he is certainly a most excellent man, and in honest exertion is far beyond one in one thousand. . . . He is so honorable a man, and of such indefatigable industry that I have no doubt he will come out." Judge Overton, whose love for Jackson was a ruling passion of his life, never omitted an opportunity of profit for Memphis. He was a shrewd, long-headed man of business, with the gift of foresight and a mind that was constantly pushing away beyond the possibilities of his time, and discounting the future. He had an eye to the main chance, and though a man of strict integrity, was not beyond a bargain nor the arrangement of means to an end. While in Washington, for instance, in 1832, he learns that there is a bill before Congress, to incorporate the St. Francis Road Company of the Territory of Arkansas, "which provides for the raising of $130,000 by stock subscriptions, and that for every $20,000 thus subscribed by the stockholders, the United States engages to pay the like sum towards the completion of the road until it gets to $100,000. The road is to begin opposite to Memphis, or within one mile thereof, and run to St. Francis River. . . . If not passed now, I am confident it will pass the next session, unless the Territory shall be admitted into the Union as a State, when Congress will have no power over this matter. You will readily see the important bearing it has on Memphis. Anticipating that such a law will pass at this or the next session unless the State should intervene to prevent it, I must bring to your recollection the agreement we made

[1] Judge Overton, writing of the South Memphis project, says to his agent, M. B. Winchester, on the 12th of May, 1832: "I think with you, that even if they were to begin the execution of the project of laying off the lots to-morrow, they can't affect Memphis materially. It is too far advanced to be arrested in its progress now. Putting off a year or two making a town below, will still be better—so much so that none but a simpleton would think then of it. Especially as I own nearly half the landing at Fort Pickering, and that the best part of it."

to purchase of Mrs. Foy, her interest where she lives. In the event that a road should be made under the patronage of the general government, you will easily perceive that this property (Mrs. Foy's), will instantly rise one or two hundred per cent. Therefore, if we could purchase it at present prices, absolutely, instead of taking a mortgage, it would be desirable, taking care to have the payments made by installments, as distant apart as you can, giving her, if she wishes, a lease for life, securing to ourselves the right of a ferry and road in the mean time, and rather than miss, giving her a proportion of all that might be made from such road or ferry during her life. On receipt of this I think you had better look to it, as I think it not improbable that the bill may pass this session. . . . It is a piece of property we must get hold of, for many reasons, and it is an object to do it as reasonable as we can." From this we can get an insight into a phase of the character of the founder of Memphis, that enables us to realise how many sided it was, and how admirably adapted he was to the practise of that phase of the law—land titles—to which he had mainly devoted himself, and how much he had profited by it. In making a trade he prudently arrayed a series of consecutive propositions, each yielding a little more of his reserves until the bargain was concluded. We shall now see him as a judge of the character, achievements and ability of one of his own order, who was also eminent in his day. Major Winchester had employed Mr. Miller, of Jackson, as his attorney in the batture as well as the promenade case, and the judge, in the letter of the 21st of October, 1830, already quoted from, instructs him to "correspond with Miller. Get directions of him when testimony will be wanted, and attend personally and closely to the matter yourself, so that nothing on our part may be wanting to secure success. Confidentially, I say to you, I have not as much confidence in Miller attending to it, as I could wish. Watch sharp, correspond frequently with him, if he seems to neglect answering your letters giving directions, etc. We must have a good and faithful lawyer on the spot, since Quarles is gone, but don't pay the fee (at least a very small part), until the work shall be done, as you did to Quarles, who, by the by, did no good, though his fee was amply sufficient for the whole business, which he did not finish, and consequently ought not to have received more than one-third of what he did. A good and honest lawyer wants no more, as I well know, and you should never put it in the power of any to act otherwise. Hence, I have kept back part of Miller's fee until the work is finished." Working for himself he was working for Memphis. He never omitted an opportunity that could in any way bring profit to himself, or gain for the town of the future, of which he had always had a very clear conception. He was as young in that respect as the youngest, and as eager for growth and as impatient at delay. In February, of 1832, indignant at the neglect of the editors of the town, to advertise it and keep its advantages before the general public, he wrote his views for publication in the Mem-

phis *Times*, then a struggling organ of the struggling and straggling town with its only 906 inhabitants. The judge, with his far-sight and foresight, and his perfect view of the future, failed to see what so many who deal and dabble in real estate, even in this day and time, fail to see, that there must be some reason for rapid growth in population better than mere situation, and that populations were like armies, with advance pickets and guards, who, with their children and their children's children, may be in possession long before the great body has reached them, to make these possessions valuable. Land in itself is valueless, without people, and the industries that are essential to their sustenance. The judge wrote: "This town, from its peculiar and rising importance, seems not to have been noticed by our journalists as it deserves. Its high, dry and level situation is almost without a parallel on the rivers of the west. Back of the town forest timber is at this time not very distant, but the country, extending east and southeast, will form a beautiful high, dry and level plain when stripped of timber, free as it is from overflow and inundation, and intersected by lasting and small rivulets proceeding from an abundance of perennial springs, clear as crystal and well tasted. We are led into this train of thought by adverting to the immense losses and damage done by the late freshet in the Ohio, in almost every town and city on its banks, of which any account has been published. Particularly in the great and populous cities of Cincinnati and Louisville, where the overflowing of the Ohio has occurred, losses of houses and property, truly dreadful, have taken place. Most of the cities, and towns, and villages on that beautiful river, have been located on low ground lands, being generally of that character and subject, of course, to serious injury. The banks of the Mississippi are almost universally subject to overflow every season, from the mouth of the Ohio to New Orleans. There are not more than half a dozen places so high as not to be covered annually, for months, with water several feet deep. These few high situations are all on the east bank. On the west bank of this magnificent and useful river, on the whole of that distance, eleven hundred miles, it is believed there cannot be found a single spot on the west bank sufficiently elevated for the site of a town. There is to be seen the small village of New Madrid, which, on account of its being subject to freshets and inaccessible from the East, never can rise much from what it is. The only point, it is understood, where the river is at all approachable on the west bank, in high water, is that on which the Federal road is located, from Memphis to Little Rock, the seat of government for the Arkansas Territory. . . . This must ever remain the only great and usual line of communication between the main body of the people of the east and northeastern sections of the United States, and the boundless countries to the west of the Mississippi River. Let those who desire to see Memphis high, level, dry and secure, as it is from the devastating sweep of our great western river, and though but few in numbers here, they will have ample

cause of congratulation in so singularly safe, beautiful and happy a situation as the Memphians possess." The judge, in a foot-note, adds: "The above not sufficiently legible, therefore have it copied for the printer." It must have been badly copied, for it is full of faults in construction, that could never have originated with so scholarly and careful a writer.

IV.

THE winter of 1831–2 was very severe, and the poor suffered so much for want of fuel that the famous Bell Tavern, which had long been conspicuously identified with the growth of the Chickasaw Bluffs, was almost stripped, and so much damaged that it was never again used by the travelling public. "They, poor sufferers, burned first the fences, after which the different additions and out-houses,"[1] and finally part of the weather-boarding. It was built in 1823 and was the second tavern, the first having been built on Auction street by 'Squire McMahon in 1821. Colonel Samuel R. Brown was the first proprietor of the Bell Tavern, which was so named from the bell suspended in its small cupola, and which called its guests to their daily meals. Colonel Brown was succeeded by Paddy Meagher, who, some say, had been a sutler; others, a soldier; and others again, a servant of General Andrew Jackson. "When Fort Pickering was established, the general became anxious to have a quiet retreat, where he could be free from military cares and the annoyance of visitors."[2] He therefore "purchased a small improvement at the head of Island 46, and there settled Paddy, his wife and little daughter Sally." This was variously attributed by the gossips of the time—by some to a desire to secure squatters' rights to the island, which then became known as Jackson's, and years afterwards, when the old hero became president, as President's Island. The most vicious of the gossips declared the general visited the island for another purpose than rest or seclusion, and hinted that Sally's paternity was a matter of doubt. For this[3] he was severely and publicly thrashed, whereupon the town took notice, and the general was left to his ways. After Fort Pickering was dismantled, Paddy opened a wood-yard on the Hen and Chickens, and added his christian name to that of those islands, and then moved to Henry Foy's place, and from that to the tavern, with which his after fortunes were connected, and where the pretty Sally ruled as queen. The Bell Tavern was famous as the resort of many historic characters, and for a renewal of the fight with Jesse Benton,[4] that, at Nashville, nearly cost General Jackson his life. All of this history of Paddy Meagher, so far as General Jackson is concerned, is at least doubtful, as none of Jackson's contemporaries mention it or allude to it, nor is there a word about it in any life or memoir of the great soldier,

[1] James D. Davis. [2] *Ibid.* [3] *Ibid.* [4] *Ibid.*

who, so far as the official and unofficial records of his career can be traced, make no mention of his ever having been stationed here, or even having been here for any number of days at a time, not even when he completed "the purchase of the district." It is true he was placed in command of the "Division of the South" after his return from New Orleans, but he made his headquarters at Nashville, or the Hermitage, whence all his official letters and orders are dated up to the time of the Florida campaign, after which his life was set in a direction away from Memphis, and even from the Hermitage, to which he loved to return after his campaigns and tours of duty. Mr. Davis is in error about Jackson being in Memphis and busied in Paddy Meagher's affairs, but the general may have befriended that adventurous person, and he in his drunken moments perhaps boasted of the friendship of the great man. Jackson, at the best, was a poor manager for himself, and no man, we have Judge Overton's testimony, was ever farther from the taint of scandal.

In March of 1832 Robert Lawrence was elected to succeed Seth Wheatley in the office of mayor, and a census was taken that "showed the place to contain a population of 906," a gain since 1830 of 243. In October of 1832 the town limits were extended by the Legislature, the same act making it "the duty of the clerk of the County Court of Shelby county to settle, account, and pay over to the trustees of the Memphis Hospital so much of the State tax, or merchants' license heretofore appropriated to the benefit of said hospital, as may be in his hands at such time, on the first day of January, April, July, and October in each and every year." Mr. Lawrence was one of five brothers, all of them respected citizens, the elder, William, being the civil engineer who laid off the city in 1819, and made the first map of it in the following year. He had been surveyor-general of the Western District, was first clerk of the Circuit Court, and established the first commission house on the Bluff in connection with Robert Fearn. He died in 1837, and was succeeded in business by his brother Robert, who was a general favorite because of his democratic habits and obliging disposition. In March of 1833 Mr. Isaac Rawlings was again elected mayor to succeed Robert Lawrence, and held the office until March of 1836, being re-elected twice. During this reign of three years "Old Ike" had some trouble. In 1834, ambitious of higher honors than the town could afford, he announced himself a candidate for the State convention, which was to revise the constitution in at least one important particular, and take from the free men of color the right to vote, which, up to that time, they had exercised without question. The kindliest feeling existed between the negroes and the white people of the town and vicinity, and the strong tendency toward manumission and deportation that then out-cropped in many places at the South was nowhere stronger than in Memphis and Shelby county. Leading men, like Winchester, as we have seen, helped in schemes for the education of the negro, and he particularly, as already stated, had an understanding with his negroes

that they could work out their freedom. This canvass, in which the venerable father and head of the municipality was again defeated, developed the public sentiment as to slavery. All the candidates were Abolitionists,[1] "or what would have been termed the worst sort of Abolitionists a few years later." One of them was Colonel Ward, who was afterwards killed by his nephew, the others were Charles Stuart, Adam Alexander, formerly member of Congress, and the mayor, Isaac Rawlings. They made speeches in front of Johnson's Tavern, and Ward and Alexander declared themselves utterly opposed to slavery. "They hoped the day would soon come when Tennessee would be rid of the curse, but were not disposed to advocate its abolition until a more speedy and efficient system of colonisation was adopted." Stuart urged that "emancipation should precede and colonisation would readily follow," and he pledged himself to present a plan to that end to the convention, if no one else did. Rawlings hoped that a feasible plan would be brought before the convention for removing the curse, and declared with emphasis that "no one could look upon slavery with greater abhorrence than himself." Stuart being the most pronounced for emancipation, and the most definite in his conclusions, had the sympathy of the masses, proving plainly that a majority of the votes of the town and county were in favor of the abolition of slavery. But Alexander was elected, "Old Ike" said, because he supplemented his speeches with the candy and fruit he distributed among the women and children. The truth is, that it was his opposition to emancipation, until a scheme of practical colonisation had been determined upon, that won him the small majority he received. He expressed the sentiment most prevalent in the State on that question at the time, and was, therefore, according to the popular judgment, the nearest right. Mr. Alexander, who was a man of some experience, went up to Nashville to the Constitutional Convention, which, so far from making any provision for the manumission of the negroes, took from the "freemen of color" the most cherished of all their rights, and one which they had always exercised in the State. The new constitution, which was ratified on the 4th and 5th of March, 1835, permitted an increase in the number of members of the House to seventy-five until the population should reach 1,500,000, and thereafter to ninety-nine, and omitted certain property qualifications for holding office, which had become obsolete. Many officers, judges, clerks of courts, sheriffs,[2] and others, who were formerly appointed by the Legislature, were made

[1] James D. Davis.

[2] The Circuit Courts exercised original chancery jurisdiction until after the constitution of the State was amended and modified in 1834; and for some purposes the Circuit Courts up to 1842 possessed chancery jurisdiction to a limited degree. Up to this latter date, since the organisation of the State government, four judges had been impeached, three of whom were acquitted and one convicted. "But many, who were at the time of the trial busy actors upon the public stage, believed the conviction was wrought more by the excitement of the occasion than by a cool, dispassionate and legal investigation."

elective by the people, and the right to vote was taken from the free negro, and the laws were subsequently made more stringent as to that and the slave class.[1] By the constitution of 1796, "every freeman" was a citizen who "possessed a freehold." This was amended to read, "every free white man," "provided that no person should be disqualified from voting in any election on account of color, who is now, by the laws of the State, a competent witness in a court of justice, against a white man." This concession was made because Mr. Allen, in the debate which ensued in the convention on that clause of the new constitution which related to the insertion of the words "free white man" as one of the qualifications for voters, opposed it because it would rob the free negro of a right he had always enjoyed in the State, and was then enjoying, and had always enjoyed in North Carolina. When the vote was taken to insert the word "white" after the word "free," it stood thirty-three yeas to twenty-three noes. This was the consummation of a great wrong, the abrogation of a vested right, which inhered in the children of the free negroes as much as in those of the whites, for section eight of the Bill of Rights, the strongest, clearest, and most comprehensive statement of the rights of man ever published or declared in America, emphatically asserted "that no freeman shall be disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land," which meant, of course, on trial for crime. Many petitions from several counties were sent to this convention, praying that some system of gradual emancipation be agreed upon,[2] but Mr. McKinney, chairman of the committee to whom they were referred, reported against them, because the petitioners wanted the negroes thus freed sent out of the country, which he said could not be done because, "being free, they could not be compelled to go without their own consent."[3] This report was agreed

[1] In 1815, upon a notification by the governor that about fifty free negroes had been brought in the State from Virginia for the purpose of obtaining a residence therein, and that nearly the same number would be forwarded in the early part of the ensuing winter for the same purpose, a bill was introduced in the House, upon the recommendation of the governor, to prohibit the settlement of free persons of color "in this State." It was discussed at great length, and was rejected.

[2] On the 2d of October, 1821, the day after General William Carroll was inaugurated governor, a committee of the Legislature reported upon the petition of a number of citizens, praying that the Legislature would take into consideration the situation of the slaves, and to devise some plan for their relief, on allowing masters to emancipate such as were able to maintain themselves, and to declare all descendants of slaves born after the passage of a law to that effect to be free upon arriving at a certain age, and to prevent the separation of husband and wife.

[3] Mr. Jordan Stokes, in the State Senate in 1860, during a debate on the question of compelling all the free negroes to leave the State, proved that though they had lost the right of the franchise by the constitution of 1834, they had not lost their other civil rights. Judge Gaston, of North Carolina, in the case of the State vs. Manuel, a freeman of color, declared "the possession of political power is not essential to constitute a citizen."

to by forty-four yeas to ten noes. The first constitution of Tennessee, in all respects bearing upon the civil and political rights of free persons of color, was an exact copy of the first constitution of North Carolina,[1] the framers understanding thoroughly the position of "freemen," and the construction put upon that word by the jurists of the mother State. Judge Catron (afterwards a justice of the Supreme Court), in the case of Fisher vs. Dobbs, 6 Yerger Rep. 126, referring to the gift of freedom and the effect of the State's assent, said that "when the free negroes vote at the polls, it is of as high value as any man's." But to a majority of the people of the State there were good reasons for so radical and sweeping a change in the organic law. The uprising, in 1831, of the slaves of Southampton county, Va., under the lead of Nat. Turner, startled the whole country, terrified the South, and paralysed the most prudent friends of emancipation. The first and immediate effect of this tragedy was to create a revulsion in the minds of those at the South who were wavering as to gradual emancipation, and it intensified the prejudices of all classes at the North. The people became alarmed, and the slave code was, as a measure of the most ordinary self-protection, more rigidly enforced than ever in most of the Southern States. After that wild, despairing effort, a steady reaction set in at the South, though there were not wanting influential men who, long after it, continued to plead the cause of emancipation. As was proven by the introduction in the Legislature of Virginia, in 1831–2, of what was known as Jefferson's plan of emancipation and deportation, which, in his Virginia notes, he said should be gradual, in order to make proper provision for the blacks in their new country, and fill their places with free labor. Mr. Tucker, the great lawyer and commentator on Blackstone, adhered to this plan, which General Scott said he would have voted for had he been a member of the Legislature. But the friends of gradual emancipation in Tennessee continued to hope and speak and to exert themselves in behalf of the negro, notwithstanding the change as to the negro elsewhere. We know how strong their sentiments were in Memphis; in the

[1] North Carolina, by her constitution of 1776, conferred citizenship on all freemen twenty-one years of age, and possessed of a freehold of fifty acres. Under this constitution free negroes were allowed to vote and did continue to vote for nearly sixty years; to muster, to keep and bear arms and exercise the rights of freemen, and by many were deemed eligible to office, though they were compelled to register, and were under some police restraints. In the case of the State vs. Manuel, a freeman of color, reported in 1st Bat. & Dev. L. Rep. 20, Judge Gaston, after reviewing the rights of those persons under various sections of the constitution, concludes: "We understand all the sections which interdict outrages upon the person, liberty and property of a free man, as securing to that extent for all amongst us, who are persons entitled to liberty and are permitted the enjoyment of property. They are so many safeguards against the violation of civil rights, and operate for the advantage of all by whom these rights may be lawfully possessed." In 1835 the constitution was amended so as to exclude "free negroes, free mulattoes, or free persons of mixed blood," from the ballot, and in 1854 it was amended to confer citizenship upon "every free white man."

eastern part of the State they were still stronger. In Knoxville, in 1834, a meeting "of the friends of the abolition of slavery was held at the court house, of which Thomas Frazer was chairman and William J. Baker was secretary. At this meeting William B. A. Ramsey, Samuel R. Rogers, Reuben B. Rogers, Robert M. Anderson and A. M. White, all well known and prominent citizens, were appointed to draft resolutions, which they did, the same being unanimously adopted. These resolutions, with the preamble, were as follows:

"We, the avowed friends of the gradual and conditional abolition of slavery in Tennessee, have assembled for the purpose of presenting to the public some of our views upon this subject, and of inviting their co-operation in its behalf. In doing this we *disclaim all sinister purposes—all wanton and unnecessary agitation of a subject of such acknowledged delicacy*, and all interference with other important political questions now under discussion before the public mind. 'We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that when any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles and organising its powers in such a form, as to them shall seem most likely to effect their safety and happiness.' We feel it a matter of high and grateful exultation, that our destiny has been cast under a government which has adopted and recognised these principles as fundamental in its theory. *But to us, this circumstance of delightful contemplation is not a little embittered by the incongruous fact that there exists in Tennessee an institution, permitted and recognised by her government, which is an acknowledged and positive violation of these principles, and contrary to the plainest dictates of natural justice and humanity.* The institution of domestic slavery in other places and earlier times, may have been accompanied by circumstances of apology or mitigation. We know that here it has the circumstance of being entailed upon us to *qualify its criminality* and *extenuate its guilt.* We are certainly not answerable for the iniquity of its origin. It is to us *an inherited evil*—yet, if regardless of all the moral and political influences which surround us—if, omitting to avail ourselves of every circumstance which opens the way to its removal, we persist in its practice, *its guilt attaches to us in all the enormity of being our own positive and actual transgression.* While other governments are justly chargeable with despotism in their principles, ours is obnoxious to the same charge in its practice; while they, in perfect consistency with the theory of their governments, enact laws incompatible with the freedom of their citizens, we, professing to be free, deny to a large portion of our subjects most of the rights which citizenship confers, and consign them over to the tyranny of numerous irresponsible governors. Theirs is the despotism of the law and the sword, ours the despotism of disfranchisement and domestic tyranny. Unpleasant as may be these considerations to an American bosom, there are many others growing out of the institution of slavery, not less humiliating to our pride or revolting to our humanity; *and we cannot suppress the conviction that an institution pregnant with such accumulating evil, will, ultimately but inevitably, be followed by the infliction of national and individual calamities, too horrible to recount, and it may be, too disastrous to survive.* We believe that if ever slavery is abolished in Tennessee, it must be done by the government of Tennessee, and we believe that government can act more efficiently and safely through a convention, than in any other way. Under the influence of these convictions we have been induced to give this public expression of our opinion upon this subject. No period appears to us so proper and auspicious to advocate the abolition [of slavery] as at the approaching convention. We believe the tide of public opinion is fast flowing in its favor, and we wish to take this tide at its earliest flood.

To a full and fair consideration of this subject, we invite the calm and candid consideration of every freeman in Tennessee. We invoke the aid of the patriot who exults in the consistency, prosperity and justice of his country; we invoke the aid of the press, as the only available medium through which the public mind can be enlightened and aroused upon this subject; and we invoke the aid of religion, not in a spirit of fanaticism or intemperate zeal, but in the rational and rigid observance of its high and holy obligation to 'do justice and love mercy,' and 'to do unto all men as we should wish them to do unto us.' Be it therefore

"*Resolved*, THAT SLAVERY IS MORALLY, POLITICALLY AND ECONOMICALLY WRONG, and that its abolition by the approaching convention will be proper, expedient and practicable.

"*Resolved*, That we recommend an article substantially like the following, to be adopted by the convention, as containing the basis of the system of abolition, which we advocate:

"All slaves born within the limits of the State of Tennessee, from and after the 1st day of January, 1835, shall be free, together with their issue upon said slaves, so born as aforesaid, arriving at the age of —— years, and upon the condition that within —— months after their so arriving at the age of —— years, they, together with their issue, remove without the limits of the State, and never return to reside therein; and that any slaves who reside without the limits of the State of Tennessee, on or after the 1st day of January, 1835, who may afterwards be brought within the limits of said State, to reside, or who remain within said limits for a term of more than —— days, under any pretence whatever, such slave or slaves shall be free.

"*Resolved*, That we will use every effort to promote the cause of abolition by the approaching convention, so far as we can in consistency with other important political duties.

"*Resolved*, That all editions of newspapers within the State, be respectively requested to publish the foregoing preamble and resolutions."

The spirit of '76 survived in this preamble and resolutions. They breathe the breath of freedom absolute and uncurtailed, pure and without taint. In unmistakable terms they denounce as criminal, a great wrong, which, if not now remedied, they predicted would be punished by "*national and individual calamities, too horrible to recount, and, it may be, too disastrous to survive.*"[1]

This preamble and the resolutions attached were presented to the Constitutional Convention, but, with many others of similar import, were voted down by the decisive vote of forty-four ayes to ten noes, because, as the chairman of the committee to whom they were referred, said: "The petitioners wanted the negroes thus freed sent out of the country, which could not be done," he contended, as already quoted, because, "being then free, they could not be

[1] How prophetic this warning. Who that was a witness to the civil war and the enforcement of the vindictive and brutalising code of reconstruction, can gainsay the fulfillment of the "national and individual calamities" thus predicted? Fortunes and families wrecked, society dissolved, and its lower and grosser elements warring upon the rights of the intellgent and the cultured, the men who were the very pillars of the State, and to whom should have been committed the maintenance of social order and the restoration of political relations with the other States, and with the Union, denied their birthright, the suffrage; while aliens, filled with the unholy lust of pelf, usurped all official place, with the aid of the freedmen, who were forced upon the States as the law-making power, the almost sole possessors of all political rights and privileges. The awful calamity of war was made light to the whole mass of the people by the heroism with which their armies gallantly contended with the enemy, and individual sorrows were almost forgotten amid the excitement of the every day's burden of special duties assumed by a willing and patriotic people. But the calamity of reconstruction went into every man, every woman's heart, and needlessly as cruelly re-excited the almost satiated sectional hate, and made the freedom of the negro not only costly in its money value, in the lives of the brave men sacrificed to continue it, but in the social upheaval which, with a less tenacious and resolute race, would have ended in a calamity which could not have been survived.

compelled to go without their own consent." It is doubtful if a petition embodying this preamble and these resolutions could, at that time, have been entertained by any considerable body of the voters of any of the non-slave-holding States. The language was stronger than was in use by any of the friends of gradual emancipation in those States, and could only be matched by what were regarded as the frenzied utterances of extreme and ultra abolitionists like Garrison. It is a proof of the earnestness of the people who uttered it, of the tolerance and patience of the slave-holding class, to which it was addressed, and who were to consider it in the convention, and it certifies to the strength of a public sentiment, in opposition to slavery, which had survived all the changes and chances of time, and was as strong three years after Nat. Turner's uprising as any protest ever subsequently offered by the abolitionists of the North. But after this convention the change in public sentiment was rapid. The Rev. Amos Dresser was arrested in Nashville, on the 8th of August, charged with being an abolition emissary with incendiary publications in his possession, and that his purpose was to stir up a negro insurrection. He was brought before a "Committee of Vigilance and Safety," and, upon being found guilty, received twenty lashes and was sent out of the State. This committee also urged the merchants of Nashville and Tennessee, not to deal any longer with Arthur Tappan, of New York, who was then conspicuous for his avowal of abolition sentiments. But Nashville was not alone in this severe treatment of abolitionists. About this time Garrison was dragged through the streets of Boston, MacIntosh was burned to death at St. Louis, and Lovejoy was murdered in Illinois and buried in an unmarked grave by a cowardly mob. Miss Prudence Crandall was arrested and imprisoned in Connecticut, under the then existing laws of that State, for merely teaching colored children how to read; for doing what Francis Wright had permission and the help of the people of Memphis to do. She was mobbed and ordered to leave the State, and her conduct was declared to be an outrage, that could not be too summarily or severely punished by the authorities and people. She was, for a time, in danger of her life, and was subjected to every sort of petty persecution and annoyance, and at last her school was broken up. The North and the South were a unit in these days upon abolitionism.

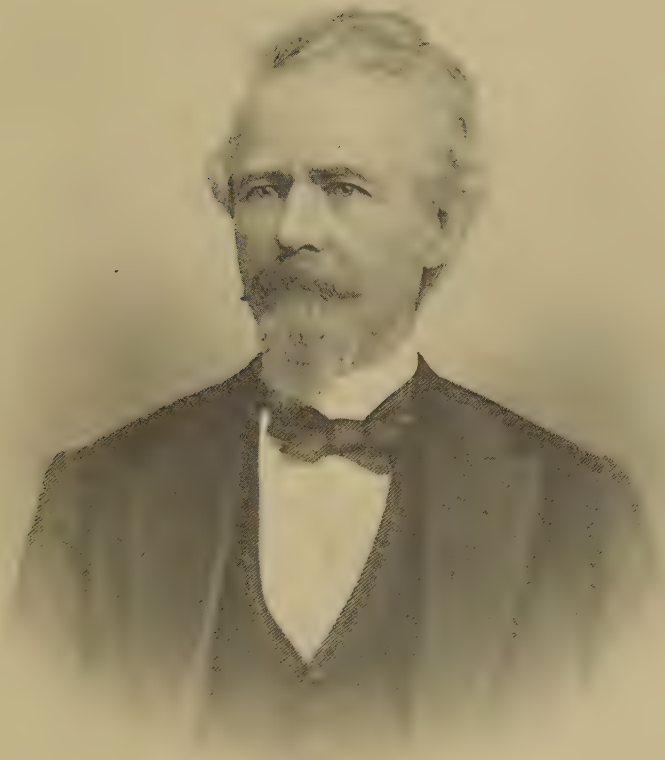
At the same time that the State Convention was thus making serious changes in the State constitution, the people of Memphis were discussing, and were greatly interested in, the question of the disposition of the promenade, then before the courts. The continuance of this contest, and the still almost united opposition of the people to the proprietors, and, perhaps, the estrangement of many of them from himself, made Winchester sometimes despondent. He wrote to Mr. John S. Claybrooke, on the 28th of January, 1834, that "so far as our immediate property is concerned, it matters little whether the railroad terminates at Fort Pickering or some other point above us, say Randolph or

Fulton. In either event, the young Memphis must be merged into its greater rival. The Jackson Company certainly controls the termination of the road at this time; their stock is taken, and the Columbia Company have agreed to unite with them. The liberality of McLemore's offer at Fort Pickering has probably decided the Jackson Company to come south of Big Hatchie, and if they can get clear of the Haywood and Tipton influence, I think will come to this bluff; but they must have an equal inducement to bring them to Memphis, or they will certainly go to Fort Pickering. . . . As a town, it is not probable that we have anything the advantage over Fort Pickering. As a landing place, it has decidedly the advantage over the one we now use." But Mr. Claybrooke, one of Judge Overton's executors, a shrewd lawyer, who knew what the judge's designs and purposes as to Memphis were, did not let Major Winchester indulge in these views, so fatal to the interests of the Overton estate. He asserted the rights of the proprietors, and kept that constantly before the faithful agent. Writing to Winchester, on the 19th of August, 1834, he says: "It is impossible for them to use the promenade in any way except the manner and purpose for which it was intended when the town was laid off. . . . . The mayor and aldermen of Memphis cannot think or suppose, for a moment, there is a right vested in them to sell or convey said promenade to raise funds for a private purpose. . . . The railroad is a private not a public highway." R. H. Barry, one of the guardians of Judge Overton's children, also wrote to Winchester on this subject, and encouraged him in the fight he was making, "almost single-handed and alone." In a letter dated July 23, he said: "I have understood that the mayor and aldermen of your town have been taking some legal advice from some of our Nashville lawyers, on the subject of their having the power to sell or dispose of the public promenade in front of the town of Memphis, for the purpose of encouraging the railroad to land their road in or near the centre of your town; but I have understood they were told that they had no right to interfere with the promenade for any other use but for what it was given expressly." But there were some who thought otherwise, and acted on the thought. On the 14th of August, 1834, Major Winchester wrote to Mr. P. M. Miller, advising him that "McAlpine had renewed his efforts to induce the corporation authorities to make a conveyance of the public promenade to trustees, for the benefit of the Mississippi and Atlantic Railroad Company. These were resisted by a majority of the board of aldermen, and a portion of our population, on the ground of a want of authority on the part of the board to convey the fee simple, and of the impolicy of encouraging the southern (South Memphis) road at this particular crisis, when all our energies should be directed to the accomplishment of another, deemed more practicable. The attempt, however, to carry through this measure, has produced in public meetings much discussion in relation to the several rights involved in the promenade, and a resolution, on the part of

the public, instructing the corporate authorities to carry up an agreed case to the Chancery Court, for the purpose of ascertaining what rights the corporation has in this property, and if they have the fee simple, or can procure it by consent of parties. The public has also resolved to convey it hereafter to trustees, to be subdivivided and sold for the benefit of the Atlantic and Mississippi Railroad Company, if organised; if not, then to other uses." But this trouble about the landing did not come alone. Major Winchester, in a letter dated March 12, 1835, writes: "We are involved in another lawsuit involving important interests in relation to the John Rice grant. You are aware that since 1828 a mud bar has been accumulating in front of this town. During last summer two warrants were located upon this bar, in the name of J. D. Martin, amounting together to 44⅘ acres, for which a grant has actually been obtained from the State. At our January court an application was made by the grantees for license as ferry-keepers, on the ground that they held the fee simple in the shore, which, being anticipated, was resisted by our council, and an agreement entered into that the case be tried at our next County Court, and thence taken, on writ of error, to the Supreme Court, which sits in May next, at Jackson. W. D. Dabney had also located fifteen acres and twenty-one poles lower down on the bar, but as yet has not obtained a grant. It is, however, surveyed. The ferry, doubtless, is the principal object aimed at by these locations; wharfage and the elevation of the ground may attract attention in the future. The ground upon which the locators expect to hold the alluvia is, that our grant does not call for the water's edge, the words being, '*lying and being in the Western District, lying on the Chickasaw Bluff, beginning about one mile below the mouth of Wolf River, at a white oak tree marked*" 5 R." running north 20 degrees east 226 poles; thence due north 133 poles; thence north 27 degrees west 300 poles, to a cottonwood; thence due east,' etc., etc. It is contended that, although these courses and distances may originally have marked the course of the river bank, or water's edge, that inasmuch as the Mississippi bank is not specifically called for, though the courses called for in the grant mark our western boundary, and that any alluvia thereto becomes the property of the State, and may be granted anew. In opposition to this we contend, that the calls of grants do take up to the water's edge, or, in fact, to the channel of the river, and, that beginning one mile below the mouth of Wolf River, can mean nothing less than to begin on the banks of the Mississippi; that our front line has actually caved in a considerable distance, and that the ground made is not farther out than our line was originally; that in addition to all this, in 1820, we processioned our tract, and resurveyed, as per certificate of survey '*on the Mississippi River, in Shelby county, in page* 8 *and section* 2, *beginning at a stake on the banks of the Mississippi River,* 104 *chains* 81 *links, with the meanders of the river below where Wolf River now empties into the Mississippi; thence, etc., certain courses up the river to a stake*

on the bank of the Mississippi River, our northwest corner.' We calculate, upon the application for a ferry, again to buy the right of fee simple in the alluvia, as we did with the corporation of Memphis, in the public grounds. . . It was our intention to have the grants, but they were offered before we were aware of it." But this step was avoided by a compromise, by the terms of which, after all the claimants had donated to the government of the United States as much of the batture as may be necessary for the naval depot, they are willing and will agree that the balance of the ground may be laid off and sold, and any ground that may form hereafter may be laid off and sold, and that the proprietors receive one-half the proceeds, and the balance to be divided and appropriated as the corporation and the warrant holders may agree—corporation one-sixth, warrant holders two-sixths. The wharfage question was submitted to arbitration, and the proprietors gave all of the river front from Market to Poplar street, these streets included, for public use; and they agreed that all the streets and alleys might be continued to and across the batture to the water's edge, and release their claim to any wharfage heretofore collected by the corporation. Seth Wheatley was appointed trustee, and finally carried this agreement into effect. This made an end of a matter that, as has been shown, gave Judge Overton a great deal of concern. How much may be gathered from a letter of his friend and executor, Mr. Claybrooke, to Major M. B. Winchester, written on the 8th of September, in which that gentleman confesses: "Between you and myself, I must assure you, the grant to the Rice tract under which the proprietors claim, is somewhat defective. It does not mention the Mississippi River." While Memphis was slowly making headway in spite of these contentions and jealousies of her own people, scientists in the Old and New World were busy with the most subtle and elusive of all the elements of nature. They had arrested electricity and were making a way by which it was to become the swift messenger of man, to realise the augury of Puck, and "put a girdle round the earth in forty minutes." Morse had thought out the electric telegraph on a voyage to Europe in 1832, and was now planning how he was to demonstrate it, which he did in 1835 over a half-mile coil of wire around a room, filing his caveat in 1837, and completing his line between Baltimore and Washington in 1844. Enterprising and thoughtful men were everywhere anxiously speculating upon the value of this new agency to commerce and trade. In Memphis, where, by 1836, the receipts of cotton had risen to 50,000 bales, several young merchants were already "figuring" upon the incalculable benefits of the electric telegraph in furnishing, at the close of each day, the state of the controlling cotton markets of the country. Besides the increase in cotton receipts, as an indication of the growth of the trade of Memphis, the establishment in 1834 of the Farmers' and Merchants' Bank is to be mentioned. It had been chartered at the same time, in 1833, with the Planters'

Bank, which, with the Union Bank, chartered in 1832, subsequently established branches that were among the staunchest institutions of their character in the Mississippi Valley, which was being "settled up" very rapidly, and by a very superior class of people, who had both capital and negroes. Beside the trade on the stage routes, which was very heavy and lucrative, the river traffic had increased, and Memphis had distanced Randolph, Fulton, or Vicksburg, and was of quite as much importance as Natchez, or any other point except St. Louis or New Orleans. It had also its list of steamboat casualties, so common in those days upon the western waters. The first of these was the result of the explosion of the boilers of the *Helen McGregor* on her way to Louisville from New Orleans. She stopped at the Memphis landing on her way, to put off and take on passengers and freight, and her decks were crowded with town's people, many of whom shared the fate of the passengers. Fifty persons were killed, and as many more were scalded or severely wounded, among them being the captain and one of the pilots. The next disaster was the burning of the steamboat *Brandywine*, from New Orleans. The accident occurred shortly after she had left Memphis, and was the result of a reckless spirit then too prevalent upon the Mississippi. The *Brandywine* was racing with the *Hudson*, and to keep up steam was burning pork and rosin. The sparks from the chimney set fire to some straw with which a great many carriage-wheels were wrapped, and before the officers and crew could make any attempt to subdue the flames the boat was enwrapped by them, and 125 lives out of 200 were lost. The third casualty, and one of the saddest, was occasioned by the explosion of the boilers of the steamboat *Majestic*, on the 15th of May, 1835. There was a large number of Swiss emigrants on board, many of whom were destined never to reach their destination. The boat was just leaving the Memphis landing for St. Louis when the accident occurred, by which ten persons were drowned, who had jumped into the river to escape the steam, which killed eight and scalded forty others, twenty of whom afterwards died. These dreadful accidents had no effect to restrain travel or traffic on the Mississippi. They were counted among the chances. Travellers, insurance companies, and merchants found some consolation in the law of averages, and "took the risks." Life was found in a whirl of excitement; "everybody," as a correspondent at the time wrote, "everybody is on the rush." Nothing was thought of but making money, the increase of trade and the rapid settlement of the country. The removal of the Chickasaw Indians from their reservation in North Mississippi to the Indian Territory, in 1835, contributed greatly to these ends. Crockett, who knew the Chickasaws well, and how true their boast was that they had never taken the life of an Anglo-American, protested vigorously against the act of Congress by which this was accomplished. The treatment of the Indians of Tennessee is not at all creditable to the people of the State, or the government of the United States. They were, from the first of the white



Wm L. Vance.

man's appearance, the victims of oppressions; of treaties broken; of the steady encroachments of the whites; of enforced cessions and concessions; and finally, of deportation. The removal of the Chickasaw Indians was considered at the time, and will ever stand in history as an instance of the white man's perfidy and oppression. But civilisation needed the lands they occupied and did not make use of, and they had to go. To the poor creatures it was a sad event; the culmination of the multiplied evils that had come to them ever since their first contact with the white man, and it was the end of a chapter in the history of the State the bloodiest of its record—one in which the white man's cupidity sometimes shames the bravery with which he defended his wife, his children, and his home in the forest. The work of removal was effected under the supervision of agents, who crossed the Mississippi with the Indians at Memphis, and remained with them until they were located on the lands they have occupied ever since in the Indian Territory, and where they have acquired many of the arts of civilisation, and have wholly given up the predatory and precarious methods of life of the savage.

The gamblers had become, in 1835, very troublesome in all the river towns from St. Louis to New Orleans. They were impatient with the authorities, who were rigorously enforcing the laws, and finally became so defiant and eventually aggressive that the citizens in many places determined to deal with them after their own rule of defiance and law, and vigilance committees were organised that made short work with them. Memphis, though not so completely overrun as other places, was nevertheless a prey to their caprices of temper and tendency towards lawlessness, the encouragement they gave to the turbulent, and bad example they set to the young men; but soon after the very summary proceedings at Vicksburg, the town was so inundated by fresh accessions to an already too large army that it was found necessary to notify them all—every one—to leave, or fare as their companions had at that place. "This produced quite a flutter."[1] Some, pretending to approve of the proceedings, became suddenly reformed and promised to go to work; others kept very quiet for some days, after which their mutterings began to be heard. These, gradually growing louder, soon became defiant. Then the meek reformers threw off the mask, and the absentees, with new recruits, came pouring in. Their triumph for a time appeared to be complete; but another meeting of citizens was held and more determined resolutions were passed. A list of all the known gamblers was made, and they were warned on their peril to leave, and they did leave; but they only went over the river, where, feeling that they were on their own territory, pretended to organise, made a list of the citizens most active at the meetings, and threatened them with the direst consequences if they ever visited Arkansas, once the country of the Akanseas. They even threatened to visit and burn the town, and during a memor-

[1] James D. Davis.

able camp-meeting, attended by nearly all the people of both sexes and colors, they did visit it in large force and paraded the streets in a swaggering and threatening manner, to the terror of the few who were at home. This was more than the citizens could endure. They therefore organised a company of well-armed and determined men, pressed all the water-crafts that could be secured, and crossed the river, only to find the place evacuated. The gamblers had fled, and "even the quiet, inoffensive citizens thought it best to be out of the way." They had taken to the woods on witnessing the embarkation of the expedition, which, though apparently a failure, ultimately proved a great success, as the gamblers, finding that Pedraza, the Esperanza of Gayoso's time, was too limited a field, and therefore unprofitable, gradually abandoned it, the burning of the hotel there soon after making an end of their business and the little town too. The closing year of Rawling's administration (1836) was an eventful one in national politics. The question of slavery, to which, as we have seen, the people had been opposed in 1834, was assuming portentious proportions and was revolutionising public sentiment in many places in both sections. At the North abolitionism had grown aggressive and mandatory, and at the South the anti-slavery feeling was being smothered in preparation for a "solid South." Circulars and pamphlets were distributed by the mails all through the Southern States, tending to stir up strife and insurrection; and the president's attention was called to it so that he referred to it in his message. Congress, too, was flooded with petitions at the session of this year, urging Federal interference to abolish slavery, so that that body was compelled to reaffirm the resolutions of 1790, that the States and not Congress could regulate or abolish slavery. The wedge of sectional animosity and division had been entered. But this did not much concern the people of Memphis. Just at that time they were viewing with more alarm the commencement of the La Grange and Memphis Railroad, an enterprise that had been floated by the rival town of South Memphis.[1] But it was, nevertheless, for both places, a sign and evidence of the future. Another evidence in this direction was the establishment of the *Western World*, a rival of the *Gazette*, which had been established two years before with the material of Colonel McLean's Jackson *Gazette*, and the *Weekly Advocate*. Shortly after, the *Eagle* was founded, and then the *Enquirer*. No more reassuring signs of "the growth and prospects" of the town could be afforded than these journalistic enterprises evidenced. The printer has always, in America, been of the advance guard of civilisation, the unrequited toiler for the millions, who points the shortest way to success.

In 1837, a year of disaster for the whole Union, Enoch Banks was elected

[1] In 1837 the Legislature passed an act for the construction of what was to be known as the Central Tennessee, for which surveys had been made from Randolph, Fulton and Ashport, all of them then considered hopeful rivals of Memphis. But it proved to be a deader failure than the La Grange enterprise. A line, almost over the same route, is now under construction under the name of the "Tennessee Midland."

mayor, to succeed Rawlings. This and the years following, to 1840, proved to be a very trying period for Memphis. All the public ventures failed. A wooden wharf, constructed at great expense, from the foot of Winchester street across the bar to the river, proved a failure, owing to the change in the river. It was then determined to build a road from the foot of Market street, running diagonally down, so as to strike the foot of Poplar street. This the proprietors put a stop to, and Market street was continued to the river, in accordance with the general opinion and wish of the people of "Pinch." But, though constructed with a firmness and solidity that challenged the admiration of experienced road builders, it failed of its object. Failure seemed to be the order of the day, for in addition to these failures the United States arsenal and armory failed, the Arkansas Military road was abandoned, the Farmers' and Merchants' Bank suspended, several merchants failed, the corporation credit fell so low that it could not have built another road if it had desired to, and despondency prevailed generally. But this was a time when the whole Union was sunk in the gloom that succeeds on panic, the result of general commercial disaster. Everywhere throughout the country, a revulsion, unparallelled in its history, had swept thousands from ease and affluence into poverty. In the West and Southwest, in infant settlements and small places like Memphis, the disaster was felt at its extreme, and for months it seemed as if it really was a death blow. But the rebound came sooner than was hoped for or expected. It was not until 1842 that the eastern communities could safely say they had regained their feet, where, as by 1840, Memphis was again on her way, conspicuously stronger than ever, like a field of clover, all the better for the weeding process. It seemed really to be a fact, as General Jackson, at that time just released from the cares of the presidency, frequently said, that no one failed in 1837 who ought not to have failed. The financial panic of 1837, which beggared and ruined so many thousands in all parts of the United States, had a most disastrous effect upon Tennessee, which, like nearly all the Southwestern and Western States, was without a stable currency, its trade being largely subject to the ruinous fluctuations of the irredeemable and irresponsible issues of many thousands of what were well named "wild-cat banks." It would be impossible for merchants in this day to appreciate the enormous discount that in that time was paid by the people for the doubtful privilege of such convenience as these unstable banks afforded. Banks in Illinois, Indiana, Ohio and Missouri sent their notes away as far from their point of location as possible, so that their return might be retarded and the average of total loss be increased, and consequently of responsibility, be reduced. Pious and good men engaged in this business of banking on hope, and without anything like an adequate per centage of specie in case of exigency. The whole financial system of the country was one of mere paper, promises to pay the solvency of which depended upon the demand for

payment being put off as long as possible. Speculation was rife, and the speculators, who were to be found among all classes, were wild in their calculations as to the near future, and all values were inflated beyond the ability of a generation to realise. This structure of paper yielded to the first breath of the storm and wholly disappeared, leaving people who had trusted to it and who had been the victims of its greed, rapacity, and thieving operations, ruined and in despair. Its effect was as that of a cyclone. No one escaped its destructive powers, so intricate and ramifying were they. It swept away everything like trust and confidence, and so paralysed the energies of the most free, industrious and enterprising population in the world, that they were a full decade of years in recovering from its effects. The Jackson Democrats in the State held that the panic was the result of the manipulations of the United States Bank; the opposing forces attributed it to the "experiments" made by Jackson, who, by the close of his second term in 1837, was confronted by an opposition strong enough to make itself felt, as in no degree inferior in numbers, or directing talent to that of his personal followers. Governor Cannon, in his message to the Legislature on the 4th of October of that year, gave expression to this sentiment; he said: "It has fallen to our lot to taste the bitter fruit of an experiment upon the currency, which, in the midst of the highest state of prosperity, has brought upon us a strong revulsion and total derangement of the monetary concerns of the country. How long and to what extent we may be doomed to suffer under this state of things must mainly depend upon the action of the general government, by whose mistaken action and unwise policy this camlaity has been inflicted upon us." Governor Cannon seems to have forgotten the good effects that resulted to the State by the people following the advice of Governor Carroll, repeated in the innumerable vetoes by which that wise statesman prevented the passage of bills for State aid for all sorts of private enterprises; that the people, if they would avoid panics, commercial revulsions and hard times, must rely upon their own economy and industry, and not rest their hopes upon banks and an irredeemable currency, which was the crowning mischief of the times. A variety of causes, during the years between 1831 and 1837, led to the change of view, thus expressed by Mr. Cannon, in the name of the opposition to Jackson, which, by this time, had gone over to the Whig party. Jackson's financial policy, the system of national conventions, which was inaugurated in 1836, and the slavery question, which had grown into menacing proportions, were the absorbing political questions during that time. The Abolitionists, having become more and more incendiary in speech and action, had succeeded in silencing the Manumissionists, especially in the Southern States, where, as a necessity of a system that required the most careful police supervision, public sentiment very shortly crystallised around measures of public safety against outbreaks by the slaves, as a result of the machinations of abolition emis-

saries, from which it was but a step to the solidifying of that sentiment against all who were in any way arrayed against slavery, the basis of the wealth and prosperity of the Southern States. Their cause thus became a common one. The abolition feeling, so sternly and strongly expressed at Knoxville, had disappeared, and the philanthropic effort of Fanny Wright at Nashoba had been almost blotted out by the hurry of events. In 1831 the Legislature repealed the law imprisoning for debt, and on the 3d of September, 1832, redistricted the State, it having become entitled to thirteen members in the lower house of Congress; and on the 14th of the same month an act was passed dividing the State into fifteen districts, for the election of president and vice-president of the United States. Andrew Jackson was elected for a second term by large popular and electoral majorities over Clay, thus completely vindicating his career. He immediately set about preparing to confront the Nullifiers of South Carolina, who had, through the Legislature of that State, by an ordinance, solemnly proclaimed that certain laws (those of 1828) imposing duties on imports were "unauthorised by the constitution of the United States, and were null, void and no law, nor binding on this State its officers or citizens; . . . and it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by said acts within the limits of this State." President Jackson took the ground, in his message to Congress, that, as the States in the formation of the Federal constitution had delegated their whole authority over imports to the general government, they could not lawfully interfere to prevent the operation of the tariff act, and must enforce and obey the laws made in pursuance of the constitution, of which that was a legal result. The Legislature of Tennessee, of course, sustained the president and condemned nullification, "as destructive of the principles of the government, and under the guise of a peaceful and constitutional remedy, calculated to precipitate the country into civil war." It went farther, and "*Resolved*, That the doctrine that the State has the right under the constitution, to resist or render inoperative within her limits an act of Congress, whenever the same may be declared unconstitutional by a legislature, or, in its highest political attitude, a convention of the people of the State, is wholly unwarranted by the constitution, dangerous to the existence of the Union and inconsistent with the preservation of the Federal government, and tending directly, under the guise of a peaceful remedy, to bring upon our country all the horrors of civil war." The administration, which had taken the necessary steps to enforce the Federal laws in South Carolina, prevailed by peaceful means, and the nullification fever subsided. But it left behind it the engendering seeds of disunion, and revitalised the right of secession so thoroughly agitated in New England during a more critical period in the life of the nation, when it was fighting through the second war for independence. In 1835 there were three candidates for governor—West H. Hum-

phreys, Newton Cannon, and W. H. Carroll. The points were made against the latter, that he was (1) ineligible, even under the new constitution, because he had already served six terms, and (2) that he was the Van Buren (Jackson) candidate. The first of these, as an argument, prevailed against him. He was defeated by Cannon, who received 42,795 votes, against 35,247 for Carroll, and 8,433 for Humphreys. Governor Cannon, in his first message, bore willing and just testimony to the statesmanlike management of State affairs by Governor Carroll, declaring that "at no period have the representatives of the people been assembled when the aspects of the State presented brighter evidences of public prosperity and individual happiness." During this year Hugh L. White, who had been elected to the United States Senate to fill the place vacated by the resignation of Andrew Jackson, and who had been elected president of the Senate upon the resignation of John C. Calhoun, was the favorite candidate for the presidency with many leading men, and Benton, in his "Thirty Years' View," declares was put forward by Calhoun, in order to divide the Democratic party and defeat Van Buren. Many citizens' meetings held in the State had declared for him, and some of the influential papers, which had enthusiastically espoused his cause, announced that Senator White's name would not be submitted to a "packed jury," as they termed the proposed convention. Mr. White had been a life-long friend of Jackson, and outside of Tennessee, as well as by a few of the less informed people in it, it was believed he would sustain him. But in this they were disappointed. He threw the whole power of the administration for Van Buren, who was nominated by the Baltimore Convention, Edmund Rucker taking upon himself to cast fifteen votes for Tennessee, which had not sent any delegates to the convention. The campaign that followed was notable for the bitterness and the enmities that, in Tennessee especially, resulted from it. White received the electoral vote of Tennessee and Georgia, but not that of Alabama, which had put him in nomination. His popular vote in Tennessee was 35,962, and Van Buren's, 26,120. This defeat of White led to the organisation of parties in the State, and Senator White, Governor Cannon, John Bell, Ephraim H. Foster and Baillie Peyton, with their supporters, went over to the Whigs,[1] who, having a majority in the Legislature,

[1] Tennessee, so prolific in statesmen, has never known four abler than these—John Bell, especially. They were well equipped by experience at the bar, upon the bench, and in public life, for the leadership they thus assumed and to which they had grown, by legitimate methods. Hugh Lawson White was the son of General James White, who figured so prominently in the affairs of Franklin, and its proposed transfer to Spain. The general was born of Irish parents and was reared in North Carolina, where, in 1770, he married Mary Lawson. He was a soldier during the Revolution, after which he removed to Tennessee, and in 1792 founded the city of Knoxville. During the Creek War (1811), although advanced in years, he served with distinction as brigadier-general. His distinguished son, Hugh Lawson, who was one of the ablest lawyers in the State, was, at twenty-eight, a judge of the Superior, then the highest court in the State. He was also one of the judges of the first Supreme Court. He was first heard of as a soldier under Sevier, when he chastised the Indians at Nollichucky,

re-elected White and elected Foster to the United States Senate. Up to this time the unity of purpose in the building of the Commonwealth was unbroken. The people were satisfied with the administration of the government and the

and was afterwards private secretary of Governor William Blount. He was one of the three commissioners appointed by President Monroe, to settle the claims under the treaty for the transfer of Florida to the United States. In 1825 he was elected to the United States Senate, to fill the vacancy created by the retiracy of Andrew Jackson, and continued a member of that body until 1840, in April of which year he died. His opposition to Jackson, in 1836, separated him from many life-long friends, and must have been a great regret to him, notwithstanding he carried the State by 10,000 votes in spite of Jackson's influence and the efforts of Grundy, Polk and Cave Johnson. John Bell, who was born in Davidson county, on the 18th of Febuary, 1797, was the son of Samuel Bell, a farmer, in moderate circumstances, who gave his son as good an education as Cumberland College, then under the direction of Dr. Priestly, could afford. An apt and ambitious scholar, he was admitted to the bar when only nineteen years of age, and took up his residence at Franklin. In 1819 he was elected to the State Senate, but the following year declined a re-election. In 1826 he defeated Felix Grundy in a race for Congress, by 1,000 majority. This was a great triumph, as Mr. Grundy was then at the height of a brilliant and useful career. Mr. Bell served in the House continuously for fourteen years, and from the first was conspicuous for ability. During this time he changed his views on the tariff question and became a protectionist, and he took issue with Jackson on the removal of the public deposits from the United States bank. In 1834 he defeated James K. Polk for speaker of the House, and in 1836 heartily supported White's candidacy for the presidency. He was ten years chairman of the House Committee on Indian Affairs, and was chairman of the Committee on the judiciary when the Force bill and Nullification were before the courts. He served as secretary of war in Harrison's cabinet, but resigned on the death of the president. He subsequently declined an election to the Senate by a Whig Legislature in favor of Ephraim H. Foster. But in 1847 he was elected to that body, and in 1853 was re-elected. In 1860 he was the candidate of the Constitutional Union party for president, and threw his whole influence for the Union. He lived in retirement during the Civil War, and after it engaged in business until he died, on the 18th of September, 1869. Mr. Bell was the ablest statesman Tennessee has ever employed in her public service, the most profound thinker and the most logical, far-reaching and far-seeing of her orators and speakers. Calhoun, whom he resembled in some respects, admired him, and declared his speech on the Mexican War to be one of the finest ever heard in the Senate. He was a pure man and guileless as a child, was a devout Christian, and in his home was a model. Baillie Peyton served several sessions in Congress and was very popular, though a pronounced partisan, and was an effective speaker and debater. Senator Foster, who had risen to eminence at the bar, was held in high esteem by his political coadjutors, who were anxious, as in Bell's case, to do him honor. He was a man of lofty integrity and cherished his principles as he did his life. He was born in 1795, studied law, was admitted to the bar, and entered upon the practice of his profession in Nashville. He entered political life while quite young, and was speaker of the Tennessee House of Representatives in 1829. He died in Nashville, September 4, 1854. Pitting themselves against Andrew Jackson, whose influence in the State had for years been paramount, and who was able to dictate who of all the Democratic statesmen should succeed him in the presidency, these now Whig statesmen were confronted by Felix Grundy, James K. Polk and Cave Johnson, who, with Jackson, may be regarded as among the founders of the Democratic party, men who in statesmanship were quite the equals of their opponents. Felix Grundy was born on the 11th of September, 1777, in Berkley county, Va. His father, in 1779, removed to Pennsylvania, and thence, in 1780, to Kentucky, where he received his education at Bardstown, at the academy then under the supervision of Dr. Priestly, who afterwards was president of Cum-

execution of the laws by honest men. "Up to 1836 there seems to have been but one political party" in the State, "and that the Jackson party. . . . . The questions at issue in elections were not those of public measures and

berland College, Nashville. He studied law in the office of Colonel George Nicholas, and was called to the bar in 1798, reaching distinction in a few years. In 1799 he was elected to the Legislature of Kentucky, and was also chosen a member of the convention called to revise the constitution of that State. In 1806 he was appointed a judge of the Supreme Court of Errors and Appeals, and soon after, in his twenty-ninth year, became chief justice. In 1807 Judge Grundy resigned this high office because the salary was too small, and removed to Nashville, where he again entered upon the practice of his profession. In 1811 he was elected to Congress and in 1813 was re-elected, positively declining a re-election in 1815. In 1819 he re-entered public life and was elected to the Legislature, of which body he remained a member for six years. In 1820 he was one of the commissioners to settle the question of boundary between Kentucky and Tennessee, and in 1826 was selected by the State authorities to deliver the oration on the death of Thomas Jefferson and John Adams, who died within a few hours of each other, on the 4th of July of that year. In 1833 he was elected to the United States Senate, where he remained until 1838 when he was appointed attorney-general of the United States, by President Van Buren. This position he resigned in 1840, when he was again elected to the United States Senate, but died before the assembling of Congress. Felix Grundy had the advantage of his contemporaries in the gift of oratory. He was a brilliant speaker and was almost as profound as Bell. He swayed audiences as with magic power, and was as convincing in the Senate as before the multitude. He was one of the ablest lawyers of his time, and was held in special respect by the members of his profession. He was thorough and reliable, was a man of unyielding tenacity of principle, was true to his friends and associates and always faithful to his duty. Cave Johnson was born in 1793, in North Carolina, to which State his father, who was a Revolutionary soldier, removed from Pennsylvania, and where he remained until 1796 when he removed to Tennessee and settled on a farm in the vicinity of Springfield, Robertson county. Cave was educated at the academy near Nashville, at the Mount Pleasant academy, Sumner county, and at Cumberland College. He began the study of law in 1812 and continued it until the fall of 1813, when he joined the army, accompanying his father as deputy quartermaster of his father's brigade. He served through the Creek War, returning home in May, 1814, when he resumed the study of the law, and at the close of that year was called to the bar. In 1817 he was elected attorney-general of the State, and in 1828 was elected to Congrsss, being re-elected in 1833 and 1835. In 1837 he was defeated by General Richard Cheatham, but he was elected again in 1839 and was re-elected in 1841 and 1843, defeating G. A. Henry in that year. In 1844 President Polk tendered him the position of postmaster-general in his cabinet, which he accepted, serving until the close of the administration. In 1854 he was appointed president of the State bank and served until 1860, when he accepted an appointment from President Buchanan, as commissioner on the part of the United States under the treaty with Paraguay, to settle the claims of the United States and the Paraguay Navigation Company. Mr. Johnson was an earnest Union man in 1861, but afterwards "took sides with his people," but remained quietly at his home. He was pardoned by President Andrew Johnson, in 1865, and in 1866 was elected to the Senate by the district formed of the counties of Stewart and Montgomery, but the "loyal" and usurping Legislature refused him admission. He died on the 23d of November of that year. Of President Polk it is not necessary here to say anything, as his career is fully treated of in some of the foregoing and succeeding pages. His life was, in many respects, a remarkable one, and is quite worthy the attention of his friend, the illustrious historian, George Bancroft, who is now engaged on a biography that will, no doubt, do a great statesman the justice he deserves. President during four of the most exciting years in the history of the United States, Mr. Polk so managed public

political principles, so much as the personal fitness of candidates for the offices to which they aspired."[1] Yet the campaigns, usually most boisterous occasions, were often fruitful of vile abuse and blackguardism, sometimes of smutty, dirty, coarse jokes and salacious anecdotes, the exceptions being when such men as Thomas H. Benton, Felix Grundy, Sam. Houston and John Bell spoke, which they did in Memphis several times, both before and after its incorporation. Thus, "by the fusion of the disaffected Democrats in Tennessee, with the Republicans or Whig party of the North, was inaugurated the great political struggle in this State, which continued until the Civil War (1861–65), when the two parties became one under the old name of Democrats."[2] To prevent a recurrence of the panic, which had so utterly prostrated the State the Legislature, in 1838, made provision for the establishment of a State bank, by the passage of an act on the 19th of January, "to establish a State bank, to raise a fund for internal improvements, and to aid in the establishment of a system of education." It was "established in the name and for the benefit of the State," and "the faith and credit of the State were pledged for the support of the bank and to supply any deficiency in the funds therein specifically pledged, and to give indemnity for all losses arising from such deficiency." The capital was declared to be $5,000,000, and the State became the sole stockholder. The bank was, by the terms of the charter, to be entirely under the control and management of the State, the governor was to nominate and appoint its directors, subject to confirmation by the Legislature, and the State was to receive and appropriate all dividends declared by the bank. The president and directors were to manage and conduct the business in pursuance of certain fundamental rules prescribed in the charter, and, before entering upon the discharge of their duties, they were required to take an official oath for the faithful discharge of the trust imposed upon them. The bank was to be located at Nashville, and branches were to be established in different parts of the State, in such localities as the Legislature might designate. The president and directors of the parent bank not only had supervision of its management, but also general supervision over the branches. During the first week of every regular session of the Legislature, they were to furnish that body with statements of the amount of the capital stock of the bank, and of the debts due it, of moneys deposited therein, of the notes in circulation and the cash on hand, together with all other property of the bank, real and personal. The Legislature was to have the right to inspect all such accounts in the bank as related

affairs as to steer clear of all the factions and bring the nation safely out of a war, the results of which more than amply compensated it for all the trouble and risks that Texas cost it. Mr. Polk also held the Democratic party together and made it stronger, especially in the State, than he found it, and he made its after successes possible by infusing it with something of the steadiness and devotion to principle that characterised him through life. He was a man of most honorable life and living and was beloved by the people of the State.

[1] Judge Joe Guild's "Old Times in Tennessee." [2] Guild.

to the transactions of the principal bank and branches, and for this purpose to appoint a joint committee of the two Houses. It was furthermore the duty of the comptroller of the State to inspect all accounts on the books of the bank and its branches as often as he might deem such inspection necessary, and to report the result to the Legislature. In addition to this, he was required to make biennial reports to the Legislature on the condition of the bank and its branches. In order to make up the authorised $5,000,000 capital, the State turned over to the bank certain funds amounting to more than $2,000,000, including the school fund of nearly $800,000, and it pledged itself by this act on its faith and credit to raise in specie, or funds convertible into specie at par value, a sum sufficient to make the whole capital of five millions of dollars. To secure the capital stock, as provided in the second section, by the fifth section of the act it was made the duty of the governor, on behalf of the State, to execute the bonds of the State, payable thirty years after date, with interest payable semi-annually, for $2,500,000, and to deliver the same to the president and directors of the bank. The bank was required to dispose of these bonds at their par value for specie, or funds convertible into specie. But this, at the close of the first year, was found to be impossible. Up to that time so great was still the public distrust that only $1,000,000 worth of the stock was so disposed of. The consequence was, the Legislature, on the 28th of January, 1840, reduced the capital stock of the bank from $5,000,000 to $3,500,000. This, with the pledged good faith of the State, was considered ample by the people who, with absolute confidence, took the notes of the bank, which, by the act of its incorporation, were made "receivable at the treasury of the State, and by all tax collectors and other public officers, in all payments for taxes or other moneys due to the State." The $1,500,000 of unused bonds of the authorised issue of $2,500,000, were cancelled by Governor Polk, who, in his message of October 7th, 1841, announcing this fact, recommended that all the other banks in the State, unable to pay promptly the demands upon them, be placed in liquidation, that their affairs be wound up and "their places be supplied by an enlargement of the capital stock of the Bank of Tennessee, owned exclusively by the people of the State, and under the sole control of their immediate representatives." This was not done, yet the bank more than fulfilled the expectancy of its projectors, the earnings for the first year ending July 1, 1839, being $129,319.76, and for the second, ending July 1, 1840, being $189,436.02. Earnings so large spoke eloquently for the careful, prudent and honorable management of the bank and its branches,[1] and for the confidence of the people. Cannon, who had been re-elected in 1837, was the Whig candidate for governor in

[1] These were at first, and after great rivalry and controversy, established at Rogersville, Athens, Shelbyville, Columbia, Clarksville, Trenton and Somerville, and at a later date at Knoxville and Memphis, and still later at many other points in the State as fast as business and the growth of the State demanded.

1839, and James K. Polk the Democratic. The latter, receiving 54,680 votes to 52,114 for Cannon, was elected, the leading question at issue being the revival by a new charter of the United States Bank that had been so thoroughly squelched by Jackson, and the liquidation of the State Bank, so recently chartered by the Legislature. In 1839 the Democrats, having a majority in that body, "instructed" their senators and "requested" their representatives on this head in a series of resolutions, in the preamble of which they asserted the continuance of the commercial panic, which they held was largely due to the defunct United States Bank, and therefore (1) instructed their senators and requested their representatives to vote against the chartering of a United States Bank by Congress; (2) to vote for a sub-treasury, or independent treasury bill; (3) to vote against Crittenden's bill, or any similar bill, to secure the freedom of election; (4) to vote against the distribution of the proceeds of the sale of public lands; (5) to vote for the repeal of the duty on imported salt; and (6) to heartily support the leading measures and policy and administrations of Andrew Jackson and John Van Buren. Unable, conscientiously, to obey these instructions, Mr. Foster, on the day after their passage, November 15, 1839, resigned his seat in the Senate, and Mr. White, for the same reasons, resigned on the 11th of January, 1840. The sixth of these resolutions was the one most repugnant to the retiring senators. Commenting upon it, Mr. Foster said he "would as soon be the servant of the president as his senator," and Mr. White said he hoped that before electing his successor they would expunge this resolution, as so long as it was permitted to remain, "no man can accept that high station but one who is himself enslaved and fit only to represent those in a like condition with himself." Felix Grundy was elected to fill White's place, and Alexander Anderson to fill Foster's. Mr. Grundy dying on the 19th of December, 1840, Governor Polk appointed A. O. P. Nicholson to fill his place. It is doubtful if the party opposition, thus so quickly organised and so marked, would have had any existence had General Jackson been able to foresee that Van Buren would, a few years later, antagonise the Democratic party as the leader of the Free-soilers. But, as it was, he made no secret of his friendship for Polk, who, in 1844, easily defeated Van Buren in the Baltimore Convention, and was thus recompensed for his defeat for governor in 1841 by James C. Jones, one of the best friends and most hearty advocates that Memphis has ever had. Political feeling was very strong in the State, but there were a few thousand voters who, at every election, asserted their independence, and swayed the result as inclination, prejudice, or principle directed them. Polk's majority over Cannon in 1839 was only 2,500, in a total vote of 103,929; but in 1840 Harrison, the Whig candidate for the presidency, had a majority of 12,102 in a total vote of 108,680, and in 1841 Jones's over Polk was only 3,243 in a total vote of 103,929. This oscillation of a few thousand votes made the State very uncertain and very close. When the Leg-

islature was called to order in 1841 it was found that the Whigs had a majority of two on joint ballot, but being in a minority of one in the Senate, could not enforce its purposes. The vote in both houses standing—in the Senate, twelve Whigs to thirteen Democrats; and in the House, thirty-nine Whigs to thirty-six Democrats—the Whigs could not carry a resolution, to the effect that both houses meet together in convention to elect candidates to succeed White and Foster in the United States Senate. This increased and intensified the party bitterness, and was the occasion of so much wrangling in the Legislature that the constitutional duty of re-districting the State was ignored. To effect this, Governor Jones called that body together in extraordinary session to meet on the 3d of October, 1842, when the Whigs managed to control the passage of the re-districting bill, much to the disgust of the Democrats, who denounced the measure as an outrage upon the rights of the people. As a result of this re-districting, the Whigs increased their majority in the Legislature on joint ballot to eight, by the election of 1843, and on the 17th of October of that year they elected Ephraim H. Foster to succeed Felix Grundy, and Spencer Jarnigan to succeed Judge White. But we must leave State politics and turn our attention to the condition and growth of Memphis.

V.

IN 1840 the town of Fort Pickering, so long a thorn in the side of Memphis, was laid off.[1] In that year John C. McLemore, who was the principal owner under a reservation in his mortgage to the Donelsons, conveyed to the La Grange and Memphis Railroad Company 208 acres of land, which is now bounded north by Georgia street, east by Bayou Gayoso, south by Jackson street, and west by the river. The warrantee deed for this property was filed on the 19th of June, on page 349 of Book 1, register's office, the consideration for it being $25,000 paid. The bounds of this tract are given as beginning on the bank of the Mississippi River, at the southwest corner of John Overton's 181-acre tract, and the northwest corner of John C. McLemore's 995-acre tract, of Ramsey and Overton's 5,000-acre grant, thence down the river, with its meanders, about 120 poles to the northeast corner of Abner Pillow's tract; thence east with the north line of said tract 284 poles to the centre of the Bayou Gayoso; thence down said bayou, with its meanders, northwardly to the south line of Overton's 1,881 acres; thence west with said line about 302 poles to the beginning, subject to the following conditions: McLemore re-

[1] Mr. Thomas H. Allen, an old and honored merchant of Memphis, purchased some property in the new town at this time, and became so energetic an advocate of it that he was dubbed "Fort Pickering" Allen, and by that sobriquet was long known. Subsequently, and upon the failure of the "Fort," he moved back to Memphis and has ever since been identified with its fortunes.

serves the right of ferriage, and said railroad company is to construct a branch of their road over said ground, and to lay off said land into lots, ... and sell same at public or private sale, paying said McLemore one-half of the net proceeds. All of the said land remaining unsold at the expiration of five years from the date hereof to be equally divided between said McLemore and the said railroad company, and one-half to be re-conveyed to the said McLemore. Both the town and the railroad were destined to a short life. Mr. William A. Bickford, an old citizen, says of this project, that "by 1840 it was finished to a point about six miles from Fort Pickering, with flat rails, and an old locomotive was procured and placed upon the track, and with a few flat cars it made several trips for cord wood. But the sheriff seized and sold it for debt, and the enterprise came abruptly to an end. The State suffered a loss of about $400,000 by this project, the money being expended chiefly for grading and cross-ties for the entire line. One branch of this railroad ran into Fort Pickering, and another was to enter Memphis, by Washington street, under a bridge, where that street crosses Main street, to reach the centre landing. This deep excavation, crossing Main street, became a great nuisance, as the work was delayed, and on the failure of the road it was filled up by the citizens." Surviving all these petty contentions and commercial troubles, and more vigorous than ever, Memphis, in 1842, assumed the title of city, and really began her career as such. The period between 1840 and 1850 was for her a remarkable one. In that time her population grew from 1,799 to 8,841; her first great commercial convention was held; the Memphis and Charleston, her first railroad, was chartered and constructed as far as La Grange; the Gayoso House was built; a theatre was established,[1] and, of more importance still, the *Appeal* (1840) was founded on the ashes of the *Western World;* the Shelby County Bible Society was organised, a weekly stage and mail line to Charleston, S. C., was established, and a university, with an unusually strong faculty and a full board of trustees and supervisors, and the question of a military depot and a navy yard, a military road to Little Rock, and a canal from Wolf River were agitated. As yet, there was no public school system; that was still to come. But, fatal mistake, a basis was laid for the public debt that later came near to bankrupting her, by the issuance of bonds, to be followed afterwards by scrip, or promises to pay, always the easy refuge of ignorance and indifference in municipal or county or state financial

[1] J. P. Prescott; "The building which was used for the first theatrical representation in Memphis, about the year 1831–2, was located on the northwest corner of Jackson and Chickasaw streets, and now part of an old block of frame buildings, quaintly called 'Blue Ruin,' an indication of the character or condition of the premises. All south of Jackson street and west of Mississippi Row (now Front Row) was then part of the public promenade; one tier of lots, or blocks, extended from Jackson street northward, on the west side of Chickasaw street. What character of plays were presented in 'Blue Ruin' we have no record of, as the only two or three newspapers of those days, still in existence, make no allusion to it."

management. Enoch Banks, who was mayor in 1837, had been succeeded by John H. Morgan in 1838, in March of which year Mr. Banks was again elected chief magistrate. Thomas Dixon was elected mayor in 1839, and was re-elected in 1840, serving until March, of 1841, whence it is generally agreed the city is able to date its real, its solid prosperity. By August of that year there were seventeen new and substantial houses in course of erection, and others under contract, created a great demand for bricklayers and carpenters. Mail coaches were now running regularly to all points in the interior, and steamboats to all points on the Mississippi and its tributaries, those running to Vicksburg and New Orleans, or up the Arkansas and White Rivers, stopping at the more important landings for the accommodation of the planters. A dozen new wholesale and retail stores had been opened within the year, and six steamboats ran to New Orleans from Memphis. On one day, December 10th, as many as one hundred and one flat-boats were tied up at the wharf; the business of the town was mainly confined to the river and river craft, the farms of the interior being few and far between, and for the most part devoted to cotton to the exclusion of the ordinary farm supplies, thus making a market for the produce of the Western States. Bank accommodations were quite equal to the wants of trade and commerce. Besides the State Bank, which was admirably conducted and was the financial anchor of the State, Memphis had the Union, the Planters' and the Farmers' and Merchants' Bank—all of them, as the *Appeal* announced, having assets seven times greater than their liabilities. The sale of some lots, on a strip of land assumed to lie between the boundary of the Rice and Ramsey grants,[1] on which Colonel McAlpine

[1] Davis, recalling the fact that the John Ramsey grant was not located until 1822, and that even then the southern line of the Rice grant was undetermined, says: "This error or misunderstanding led to the laying of a warrant by McAlpine and others, which succeeded so far as securing a compromise, though I think very unjustly; but even as late as 1846 R. L. Turnage[1] and others contended that there was still a space between the McAlpine and Rice lines, based upon the supposed original survey of the Rice grant in 1819 or 1820. By this time it seems to have been discovered that the angling lines were intended for the bluff, and the wriggling of the pen was simply an addition of some copying clerk.[2] So it was—the Turnage speculation failed. There was a feature in this trial which goes to show how unreliable some old folks' memories prove to be at times. Turnage's main witness swore that when the processional survey was made Judge Overton told the surveyor-general to place the line well back; that he wanted a large space in front as some of the bluff might fall in. Now the records show that the procession was made on the 28th of July, 1820, while the records of Knox county show that Judge John Overton was, on that self same day, married in the town of Knoxville. Judge Lea, in his extreme liberality, thinks this old man did not design to commit perjury, though I take this as a greater proof of good heart than good judgment. It, however, amounted to nothing, and the court informed Judge Lea that he might admit not only his witness, but everything that Turnage proposed to prove, without endangering his case."

[1] The *Appeal* of March 21, 1846, says: "That land entry, made in front of our town by Rufus K. Turnage, was surveyed on Tuesday (the 17th), beginning at the (former) mouth of Wolf River; thence south to the north boundary line of Ramsey's warrant (South Memphis); thence west to the margin of the bluff; thence northwardly, with the meanderings of the bluff, to the beginning—including the whole of the bluff in front of our town, and a large part of the navy yard, in all 126 acres."

[2] See Map Number One.

had laid warrants for entry, and the erection of some houses in the same vicinity led to a flurry in real estate, and very extravagant predictions and equally extravagant advances in the price of lots. In March a municipal election was held that re-excited the animosities and bitterness that characterised the contest between "Pinch" and the third ward, but nothing more dangerous than words resulted. The time had passed when these could weigh anything. It was now a question of "men and money." "The longest pole," said a cool-headed citizen of Memphis, at this time, "will knock down the persimmons." But in March even this ever-present trouble was overlooked, in view of the news from Texas, that General Santa Anna, with an army of 15,000 men, had again invaded the infant Republic. Great excitement followed upon this announcement, and a public meeting was held, at which both political parties were represented, the Democrats, of course, being in the majority. Resolutions were unanimously adopted to raise companies "to explore that country, with a view to the extermination of the wolves that threatened our fellow-citizens there." It was nothing to these patriots of Memphis that Texas was an independent republic, a foreign country; nearly all of its leaders, and most of its citizens, were known to them as Tennesseans, and they could not accustom themselves to the idea of their being foreigners, even by international law. The agitation of the navy and dock-yard question was initiated about this time, by letters which appeared in the Washington *Intelligencer*, and were copied into the *Appeal* and the *Inquirer*. Those signed "Union Jack"[1] were published in the former, and those signed "Harry Bluff," in the latter paper. These seem to have had but a passing attention on the part of the people, who never dreamed of the suggestions the first contained, and the second argued for finding a practical accomplishment. Indeed, they were so doubtful and "mistrustful," as one of them wrote, of the enterprise that it was with difficulty they could be induced to take the first steps toward securing the great boon. "The Northern Democratic politicians, who were engineering the job, instructed them to get the Legislature to petition Congress for it. But this was by no means an easy job. So soon as the question was mooted six rivals for the honor and benefits sprang up, and were so strong that the Legislature recommended all seven leaving it to Congress to select the point most suitable, and Memphis was at last named in the bill, subject to inspection and selection of site. John B. Ashe represented this district in Congress at that time, and, of course, did all he could to secure the passage of the bill. One of the competing points was on Duck River, and another at the Smoky Fork, of Pinez; if anybody knows where that is."[2] One thing, however, is certain, they were all of them interior points. But the petitions of the citizens

[1] Lieutenant, afterwards Commodore, M. F. Maury, author of the "Physical Geography of the Sea," and who, about that time (1845), was writing a series of letters in the *Intelligencer*, suggesting methods for the building of southern commerce and trade.

[2] James D. Davis.

seem to have had the desired effect, for before the end of the year Congressman C. H. Williams wrote the *Appeal* that "the secretary of the navy is favorably disposed to locating the navy yard at Memphis, as were the Southern and southwestern members of Congress." On the 1st of October the *Appeal* published a strongly-drawn memorial to President Tyler, prepared by Messrs. Nathaniel Anderson, M. B. Winchester, Wyatt Christian, H. Van Pelt (the editor of the *Appeal*), and J. H. McMahon (the editor of the *Enquirer*). The memorialists set forth that Memphis is the highest point on the Mississippi, and is at the head of uninterrupted navigation; that it is close to the great mines of coal, iron, lead and copper; that hemp, lumber, leather, horses and cattle are among the staple products of the country; that this was the position selected in 1835–36 by General Gaines, John C. McLemore, Robertson Topp and others, for the western terminus of the Atlantic and Mississippi Railroad from Charleston, S. C.; that it was the point selected by experienced military men for the distribution of military supplies; and that here, for an expenditure of $45,000 or $50,000, a canal eleven miles long may be constructed to furnish water power, commencing at a point twenty-five miles from the mouth of Wolf River. It was a season of great hopes, and fortunately for these gentlemen the tide was setting in the direction of Memphis, and Northern members of Congress were freely conceding that the South ought to have some share of the public funds expended for government purposes. But there were some drawbacks to the expectations thus raised. Farmers in the contiguous country, and people in the towns that still assumed to be rivals of Memphis, about the latter part of June began to whisper that Memphis was dangerous to healthy people, that there was some sickness there of a malignant type that was claiming its share of victims every day.[1] This, often repeated, began to have its effects, and on the 15th of July Mayor Spickernagle, who had been elected the previous March (1841), was compelled to issue a proclamation declaring the good health of the city, and asserting that "not a family is believed to have left town on account of the fear of sickness;" and thereafter, until late in the fall, on account of the prevalence of yellow fever at Vicksburg and New Orleans, official bulletins were published in the papers every week, setting forth the number and causes of death. This had the effect of allaying the fears of the country people, and reassured the townsfolk, who early in July were called upon to mourn the death of General Richard G. Dunlap, a resident of Fort Pickering, but formerly minister from Texas to the United States. Resolutions were adopted, the citizens deploring his loss and eulogising his patriotism as a Texan and Tennessean, the transition

[1] Mr. Bickford explains that "the sanitary reputation of Memphis was not as good as it deserved, as much of the sickness grew out of recklessness, discomforts and want of good water. There were no cisterns or wells. River water only was available, and it being unfiltered and without ice, and hauled up in barrels two or three times a week, it became very warm in summer, and unfit for drinking purposes."

very truly &c
your obt Sot
Wm R Moore

of citizenship from one to the other, it may be said without reflection upon the dead diplomat, being as easy as crossing the Sabine River. Texas was still a leading topic, especially with the people along the Mississippi River, who always spoke and wrote of the Texans as their fellow citizens, utterly oblivious of and ignoring the fact that Texas was an independent republic. Where the kinship was so close, such a barrier, whatever it might mean, internationally or diplomatically, was nothing to them. They never thought of the Texans but as their kinfolk, sorely beset by the murderous "greasers." Recruits were constantly moving to the republic without let or hindrance; the tales that now and then found their way back from them and into the newspapers of fiercely fought battles between the Americans and the Mexicans, kept the marshal ardor alive. Old militia musters were still kept up, and military organisations, like the Memphis Rifle Guards, were objects of especial public pride as the nucleus of possible regiments for service, perhaps in defence of their suffering fellow-citizens of the Republic of Texas. A political canvas, that lasted for many months, in which James K. Polk, Democratic candidate for re-election as governor, and James C. Jones, the Whig candidate for that office, were the principals, monopolised much of public attention during the year and excited a great deal of rancor. So far as the newspapers could make it so, it was very bitter, and as is so often the case, even now, was characterised in some of its phases by a littleness and pettiness, where persons were concerned, that was very contemptible. For instance, the *Appeal* asks, in all soberness, at the beginning of an "editorial," "who is James C. Jones?" In 1844 the same question was to be asked as to his then competitor, after he had been nominated by the Democrats for president of the United States, to succeed Tyler, who had in April (1841) succeeded to the presidency upon the death of General Harrison. The national questions discussed during this campaign were (1) the distribution of the proceeds of the public lands; (2) the bank question; (3) the bankrupt bill. It is noticeable, also, that in May of this year the question of the wholesale removal of Federal officials to make room for Whig appointees created great excitement and discussion, many of the views expressed anticipating the present civil service reform act. In the State canvass the paramount question was the repeal of the internal improvement act, made necessary by the commercial panic of 1837. By this repealing act the capital of the State Bank of Tennessee, established in 1838, was reduced from $5,000,000 to $3,500,000, and nearly $1,000,000 in bonds, that were due to turnpike and railroad companies under the improvement act, were cancelled and destroyed by Governor Polk, notwithstanding the demand for them under the plea of a contract with the State. The bank which, from its inception, proved to be a beneficence and blessing to the people, was established as the result of the recurrence of panic and a continuance of the greatest evil that then beset the people of the United States, who were, almost everywhere, the prey

of designing knaves, who, in some cases, opened banks merely to put in circulation notes they did not intend and never did redeem. The West and Southwest was an especially fat field for this class of speculators upon the public credulity, and it was largely due to them that the panic and consequent suffering of 1837 was precipitated. Their inflated currency debauched the public mind and encouraged the wildest order of speculation. To relieve the people from so vicious a system, the Bank of Tennessee, as has been stated, was founded by the State, by an act passed the 19th of January, 1838. The State was the sole stockholder, and it was pledged on its faith and credit to raise in specie, or funds convertible into specie at par value, a sum sufficient to make the whole capital $5,000,000. This amount was reduced by the repealing act of January 28, 1840, to $3,500,000, the comptroller of the State and Mr. Nichol, president of the bank, both asserting their inability to sell the bonds at par, such was the distrust, even of public securities, especially in Europe. This act prohibited the issue of the bonds of the State for any of the purposes named in the internal improvement act of 1834, not because the policy of the State in respect of improvements had been suddenly reversed, but in order to save the credit of the State at a time when public confidence was so seriously impaired. It was an act of suspension rather than repeal, as the subsequent policy of the State proved. Governor Polk and the Democratic party were right; but a majority of the people did not think so, and he was defeated, and the unknown Jones, who afterwards became a resident and one of the most valuable of the leaders of Memphis, was elected, greatly helped to his triumph by the recent election of General Harrison to the presidency by the Whigs. Internal improvements in Tennessee began with the early settlement of the State, in the demand of the people for public highways; for the clearing of the rivers and making them navigable; then, as population increased, for turnpikes, and after that for railroads. In 1804 an act passed the Legislature empowering county courts to lay off public roads, to establish and settle fences, and decide and declare where bridges should be built. These early roads followed the Indian trails and traces, convenience and custom being consulted rather than time and the possible necessities of the future. In that year Governor Blount sent to the Legislature a copy of an act of the New York Legislature, providing "for the improvement of the internal navigation of the State," with the request from the authorities of that State that the Legislature of Tennessee "formally instruct its representatives in Congress to advocate such measures in relation thereto as shall be before Congress." The delegates in Congress from Tennessee were accordingly instructed to "obtain the free navigation of the boatable waters between this State and Mobile, and to establish a road from East and one from West Tennessee to Mobile, to be kept up by turnpikes and ferries at proper points, to be managed by white people; and additionally, to have the Natchez trace kept in repair." In 1812 the gov-

ernor was authorised to open a "written correspondence" with the executives of Alabama and Georgia on the subject of Internal Improvements, such a correspondence having already been established with them in reference to the removal of the obstructions occasioned by the Muscle Shoals in the Tennessee River. In 1817 Governor McMinn, in a formal message, invited the consideration by the Legislature of the improvement of the navigation of the rivers for "a definite number of years," by incorporated companies, having the right to charge toll. This plan was never consummated. The people were opposed to tolls as a very obnoxious form of taxation, but Governor McMinn, in 1819, again urged upon the Legislature provision for the improvement of the roads and rivers of the State, and a joint resolution was passed empowering him to employ "fit persons" to examine and explore the rivers of the State and report to the next Legislature the obstructions that existed and the expense that would probably attend their removal. In 1821 Governor McMinn, at the request of Secretary Crawford, submitted to the treasury department of the United States a report on the navigable waters of Tennessee, and suggested the construction of a canal to connect the Holstein and Tennessee Rivers with the Mobile, to be not more than eleven miles long, from Hiwassee to Connisuaga. He also recommended the improvement of the Muscle Shoals in the Tennessee River. This report was, with others from other States, laid before Congress, the constitutionality of Federal interference in such matters being then much debated—Calhoun leading the Democrats to a very conservative view of the powers conferred upon the general government, and to a strict construction of the duties of the State governments to improve rivers as they built turnpikes. Mr. Clay, on the other hand, taking the broader ground that as the interests of navigation were inter-state they were national, and must be dealt with upon the same principle as justified the improvement of the ocean and lake harbors. He thus formulated what was termed the American system, which looked to the fostering of all the interests of the country as against outside or foreign interests, by favoring an exceptional legislation. Calhoun's plan, the logical outcome of the Federal constitution, with all its limitations, became ultimately the Democratic policy, the party in time discarding even the modifications he himself promulgated at the commercial convention held in Memphis in 1845. Clay's ideas were popular with many. They appealed to the selfish, the weakest side of human nature, and made inroads on many consciences by the pocket nerve. In Tennessee the necessities of the people were advanced as a reason for many extraordinary and some unwise plans of public improvement. In 1825, the year of the completion of the New York Canal, Robert H. Dyer was loaned $3,000 by the State for three years for the purpose of cutting a canal from the Forked Deer River to the Mississippi, and Governor Carroll was authorised to appoint a suitable person to act with a United States engineer on the survey for a national road through the State,

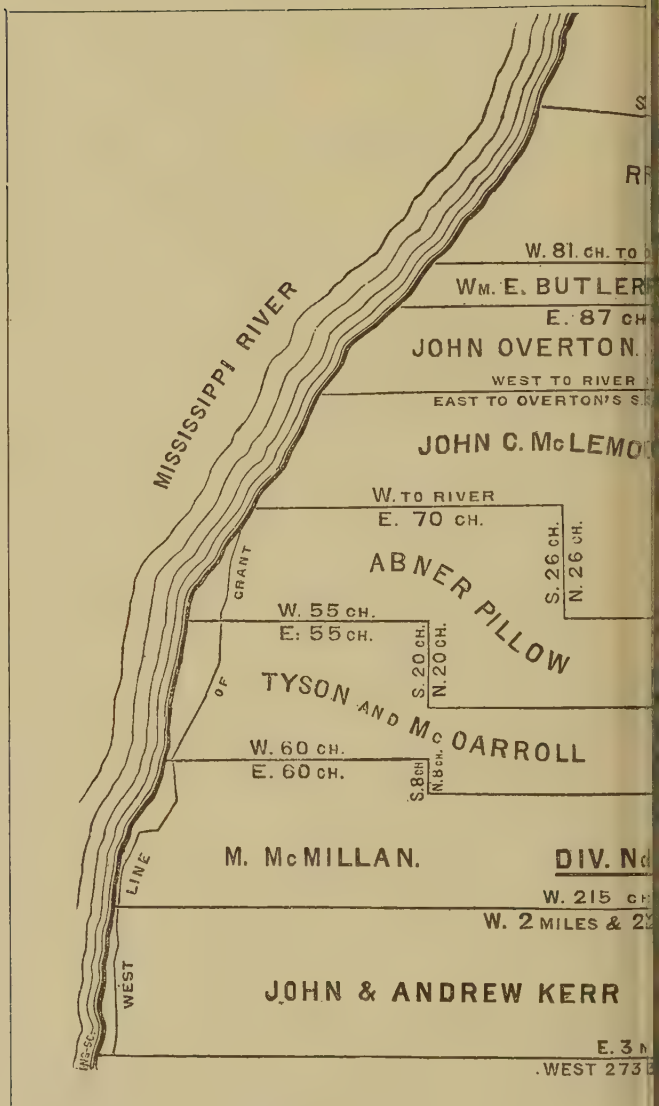
ordered by Congress, which would have been a boon to the people. The Legislature granted special privileges to all who established manufactories of any kind in the State; purchase, as has been stated in a preceding chapter, was also made by the State of the patent right of Eli Whitney and Phineas Miller in a new invention for cleaning cotton, called the "saw-gin"; and lotteries were authorised for all sorts of public and private purposes. Nothing could be looser than this sort of legislation; even Clay could not justify it by any of the loose planks of his American system. The State constitution was lost sight of and ignored in the eagerness of the people to make fortunes without labor. The town of Franklin purchased a town clock by lottery, and Cumberland College was long the beneficiary of a similar enterprise. Lotteries were granted to certain parties to make salt in Bedford county, to build a Masonic hall in Knoxville, to remove obstructions from Caney Fork, and to improve the navigation of Forked Deer River. Governor Carroll, who was a thorough Democrat, favored internal improvements and gave great encouragement to them. In 1825 the Tennessee Legislature made another effort to secure a survey by United States engineers for a route for a canal between the Hiwassee and Coosa Rivers, and report upon its practicability; and about the same time a favorable report had been made upon the proposed great national road through the centre of the State to Memphis, where it was to end, as the rest of the journey to New Orleans could be made by river. A commission appointed by Tennessee and Alabama about this time reported upon the feasibility of improving the navigation of the Tennessee River at the Muscle Shoals, and that it "could be done at much less expense than has been heretofore thought necessary." But this work could not be done by the States. Local jealousies and political influence intervened to prevent a beginning, and it remained in abeyance until the Federal government undertook it, but it is not yet completed. The era of joint stock companies had not yet set in, and the State or the nation was looked to to accomplish all sorts of great and many minor undertakings. Governor Carroll, in his message of 1829, excited the emulation of the people, and appealed to their local pride. "In many parts of our country," he said, "the great work of internal improvement is advancing with astonishing rapidity. The New York Canal is in successful operation. . . . . The Pennsylvania Canal, four hundred miles long, is nearly finished; the Baltimore Railroad, the Chesapeake and Ohio Canal uniting the waters of Lake Erie with that of the Ohio River, and numerous other improvements of less magnitude, but of great value to the internal trade of the country in a state of vigorous progression, will, in a few years, be entirely completed. With their bright example before us, does it become Tennessee to be idle?" This appeal led to the formulation of a systematic plan of internal improvements in an act passed on the 2d of January, 1830, which provided for a commission of six members, two from each of the grand divisions of the State, the governor to be *ex-officio*

a member, and $150,000 of the unappropriated funds derived from the sale of Hiawassee lands was placed at their disposal, $60,000 each for Middle and East and $30,000 for West Tennessee. Other commissions for special localities and purposes were appointed in 1831, and the counties were empowered to appoint boards of internal improvement, special acts being passed for Giles, Davidson, Rutherford and Bedford counties. The constitution of 1834 provided for "a more efficient system of internal improvements." The plan of 1829 not having worked well, it was repealed by another plan enacted on the 19th of February, 1836, in which special provisions were made for railroads and plank roads. It also relieved the State to some extent by providing for the formation of corporations or companies to prosecute certain classes of enterprises, to which the State was to subscribe one-third the capital stock and appoint one-third of the directors. Under this law subscriptions of bonds were made by the State to the amount of $66,666.66⅔ to the Nashville, Murfreesboro and Shelbyville Turnpike Company; $125,000 to the La Grange and Memphis Railroad Company, with a lateral branch to Somerville; $45,000 to the Gallatine Turnpike Company; and $40,000 to the Lebanon and Nashville Turnpike Company. This was the foundation of the State debt. The State Bank was established in 1837 as an addition to this scheme, and in the same year Governor Cannon recommended the construction of a canal from Savannah on the Tennessee, to Big Hatchie, near Bolivar. This was expected to shorten steamboat travel by four hundred miles. But it was never attempted. It was chimerical. The Big Hatchie is now seldom navigated. In 1840, at Governor Polk's suggestion, an act was passed repealing all laws authorising the governor to subscribe stock in any internal improvement company, and to inquire and report if the statute had been complied with before bonds were issued. Four millions of dollars were at once saved to the State by the prompt and vigorous enforcement of this law by Governor Polk, who was one of the best governors the State has had; and, besides, $300,000 appropriated this year for river improvements was not used; it was never called for.

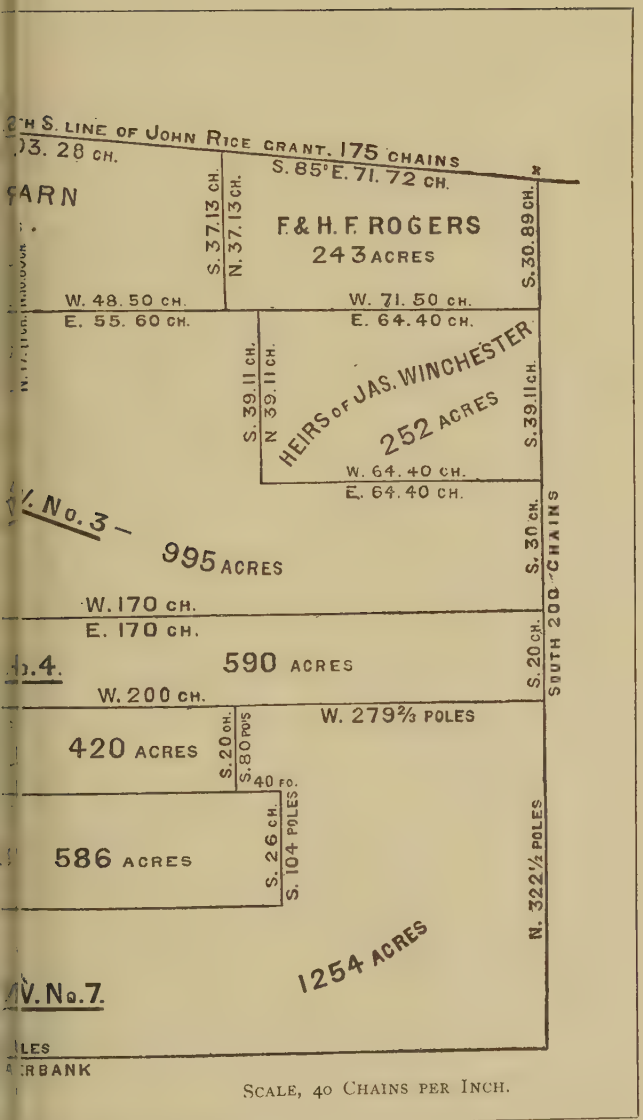
VI.

BUT the internal improvement policy and the political contentions of the Whig and Democratic parties were, to the people of Memphis, matters of fleeting interest compared with the aggressive rivalry of South Memphis and Fort Pickering, especially the former. Mr. Robertson Topp, a young lawyer from Nashville, of progressive views and remarkably comprehensive powers of mind, was the father of this enterprise. He infused it with his own vigor, and it began at once to make alarming headway in trade and population. South Memphis and Fort Pickering both formed part of the Ramsay grant, dated

April 13, 1823, and recorded May 10, of that year, and which was based upon and was in consideration of warrant No. 383, dated the 24th of June, 1784, issued by John Anthony, entry officer of claims for the North Carolina western lands, and entered on the 25th day of October, 1783. By this grant, under a survey dated March 1, 1822, John Ramsay and John Overton, assignee, were granted five thousand acres of land in Shelby county. It was described as lying in Shelby county, eleventh district, ranges eight and nine, sections one and two, on the Mississippi River, its north line running from the bank of the river just below the foot of Beale street to the middle of Union avenue where the latter is intersected by Manasses street, and thence east with Union avenue to Raleigh avenue, the east boundary of the grant. Ramsay owned six-sevenths or 4285$\frac{5}{7}$ acres, and Overton, one-seventh, or 714$\frac{2}{7}$ acres, the whole tract being bounded as follows: Beginning at a stake on the bank of said river,—the southwest corner of John Tice's 5,000 acres grant, as processioned by William Lawrence in the year 1820,—running thence south 80 degrees east with said Rice's south boundary line, as processioned aforesaid, one hundred and seventy-five chains to a poplar marked; thence south two hundred chains to an elm marked F. R.; thence west at sixty-two chains, crossing a branch bearing southeast, at one hundred nineteen chains crossing a branch bearing south, and at one hundred and sixty chains a branch bearing south,—in all two hundred seventy-three chains to a cottonwood marked F. R., on the bank of the Mississippi River; thence up the margin of said river, with its meanders, north seven degrees east eleven chains, north one degree east five chains and thirty-five links, north ten and one-half chains, north eight degrees east fourteen chains, north twenty-two degrees east eleven chains and sixty-three links, north eighty-six degrees east four chains and sixty-three links, north twenty-nine degrees east seven chains and ten links, north four degrees west three chains and twenty-seven links, north five degrees east six chains, north ten degrees east three chains, north thirty-one degrees east sixteen chains, north nineteen degrees east six chains, north four degrees east thirteen chains and several links, north fourteen degrees east thirteen chains and nineteen links, north twenty-six degrees east thirteen chains and eight links, north forty-three degrees east seven and one-half chains, south thirty degrees east twenty-two chains and thirty-eight links, north forty degrees east one one chain and eight links, north fifty-three degrees east one chain and twenty-four links, north forty-nine degrees east three chains, north thirty-three degrees east five chains and eighty links, north forty-seven degrees east seventeen chains, north thirty-six degrees east four chains and thirty-four links, north forty-nine degrees east six chains and fifty-seven links, north thirty-nine degrees east thirty-three and one-half chains, thence north thirty-six degrees east twelve and one-half chains to the beginnting. No consideration is shown for this grant and it was not recorded until the 7th of March, 1872. John C. McLe-



RAMSEY 5000 ACRE GRANT AS I



SCALE, 40 CHAINS PER INCH.

THE SHELBY COUNTY COURT.

more purchased the interests of two of the heirs of John Ramsay, and Abner Pillow purchased another interest. About 1837 the grant was partitioned by proceedings in the county court of Shelby county, and nine hundred ninety-five acres were allotted to McLemore, and five hundred ninety acres to Abner Pillow who sold it to Gideon Pillow, who in turn conveyed it to Jerome B. Pillow, who conveyed it, in 1839, to John C. McLemore, who thus became owner of 1580 acres of the original grant. In 1834 McLemore made a mortgage of this land, together with some lots in the Rice grant and in Shelby county, to William and Stokeley Donelson; and in 1843, all the land except some portions which had in the mean time been sold by McLemore, was sold to Willoughby Williams. Under proceedings to foreclose the mortgage, in the Chancery Court at Franklin, Tenn., Williams subsequently had the tract surveyed and laid out into lots. The Shelby County Court, in the partition cause above mentioned, (see map 3), allotted to William E. Butler seventy-seven acres; to the heirs of James Winchester two hundred fifty-two acres, and to John Overton one hundred eighty-one acres. Both Winchester and Butler purchased of Overton. Winchester's tract lies east of Walnut street, south of Carr avenue to Broadway and west of Raleigh avenue. Butler's seventy-seven acres is now the Butler addition, bounded north by Butler street and its north line extended, east by La Rose street, south by Calhoun street, and west by the river. Overton's one hundred eighty-one acres is bounded north by Calhoun street; east by La Rose street; south by Georgia street, and west by the river. The county court also allotted to Robert Fearn four hundred fourteen acres, and to F. and F. H. Rogers two hundred forty-three acres. The Rogers's two hundred forty-three acres was subsequently bought by Doctor Dudley Dunn, and the tract is now known as the Dunn sub-division, lying south of Union avenue, west of Raleigh avenue, north of Carr avenue, and east of a line about one hundred and twenty-five feet west of Manasses street produced south. Fearn's tract of four hundred fourteen acres is of more importance. It is bounded on the north by the north line of the original grant; east by the Dunn tract; south by the Willoughby Williams sub-division and the Butler addition, and west by the river. The north side of the alley next north of St. Paul street is the south line of Fearn's tract at that place. In 1828 Fearn sold this tract to the trustees of the Memphis Auxiliary Company. In 1838 the Chancery Court at Somerville removed the trustees and appointed Robertson Topp, William L. Vance,[1] Walter D. Dabney,

[1] Mr. William L. Vance was a brother-in-law of Colonel Topp's. He was born in Clarksville, Tenn., in 1815, and was educated at the Nashville University under the Rev. Dr. Philip Lindsay. After graduating, in 1835, he removed to Memphis, and thence went to Texas, where he was identified with the revolutionary movement, and was appointed secretary of legation at Washington, George C. Childress being minister to the United States from the Republic of Texas. In 1836 Mr. Vance returned to Memphis, and was thereafter identified with Colonel Topp in building up and advancing the interests of the town.

Nathaniel Anderson and Thomas B. Haralson as trustees for the company, vesting in them the title to the four hundred and fourteen acres, and giving them power to sell and make deeds to purchasers. These trustees made deeds, usually as "trustees for the South Memphis Company," most of the deeds being signed by Topp, Vance and Anderson, and thus South Memphis was launched a rival of Memphis. This rivalry with South Memphis and Fort Pickering is one of the most instructive events in the life of Memphis. It excited a great deal of passion, originated a great deal of prejudice and was fruitful of many evils. It grew out of personal speculation and a determination after local supremacy; was for a space conducted with many exhibits of envy and jealousy, but finally ended in Memphis absorbing her rivals and taking on a load of "extended proportions" that afterwards almost beggared her to maintain. It increased the number of her miles of streets and the demands upon her police and fire departments; and instead of a city growing from a compact and populous center, she presented the appearance and was, really, as was said of Washington about the same time, "a city of magnificent distances." The early life of the city was precarious,[1] and the threats of her rivals to blot her from the map of the State, might have been accomplished "had the project of connecting the waters of the Tennessee River with the Hatchie, as was suggested by a few enterprising men of that day, and recommended by Governor Cannon in his annual message to the Legislature, been carried into effect; the whole trade and traffic of North Alabama and the Tennessee valleys would have fallen into the lap of Randolph, and Memphis would have remained a village at the mouth of Wolf for an indefinite number of years. But the strict construction and economic party thought "nature ought to take its course;"[2] and so Memphis was saved. But the bitterness, the almost malicious hate of rivalry survived. What this was, let the author of "Old Times in West Tennessee" bear witness. His father had several landed interests in West Tennessee, and he had visited the country in

[1] J. J. Rawlings: "Memphis had a hard struggle for its existence that but few of its present population know of. For years after the first attempts of its people to make a town, it was antagonised by several neighboring villages, which thought their chances for becoming a city much superior. Randolph, a town fifty miles above, on the Mississippi, was its main rival, and it succeeded in getting largely the advantage of Memphis in trade. Randolph was backed by a large portion of our own county. The settlement on Big Creek, the most populous and wealthiest settlement in Shelby county, did the most of its business with Randolph for several years; in fact, the people of that section of the country had stronger inducements for trading at Randolph than at Memphis. They were equally as near Randolph, and had better roads, unobstructed by small, unbridged streams. When they came to Memphis they had to come by water. They came down Big Creek and Wolf River in boats, canoes, skiffs and small flatboats, laid in a supply, sufficient for five or six months, and carried it back in boats. Randolph began to boast of the advantages it had obtained over Memphis in a business way, and threatened to wipe her out from the map of Tennessee; it really thought its chances for a town were much superior to that of Memphis and that Memphis would finally go down."

[2] Williamson.

1826, and explored it from the First to the Fourth Chickasaw Bluff. "He had stood upon the grand bluff, upon which the magnificent young city of Memphis now stands, when Bayou Gayoso coursed its way through a wild jungle,—the haunts of the wild beast,—and communed with the grand river. He was interested with the late Colonel John C. McLemore (who was a near relation of my mother), in several landed interests. Among the tracts in which he had an interest was the Ramsay 5000 acres tract, now covered by South Memphis and Fort Pickering. It had been agreed between Colonel McLemore and my father that he could, at his option, locate upon the Ramsay tract. It was his aim and wish to settle upon the banks of the great river Mississippi, in hearing of its surging waters. The subject was being freely discussed in the presence of Mr. Pitser Miller. My mother had given the subject but little thought, so charmed was she with Mr. Miller. My father, however, had the Fourth Chickasaw Bluff firmly set in his heart. Mr. Miller remained reticent as to an opinion upon the subject until my mother, addressing him, called for his opinion. In all seriousness he said: 'Well, madam; if you will go and settle on the banks of the Mississippi River, let me suggest that your husband take along plank enough to make coffins to bury your children,—your whole family.' I remember well the electric effect of those words upon my mother. Her children were her jewels,—eight of them. My father, be it said, ever yielded to the fancies of his intelligent and loving wife, Patsey. The decision was taken, and Pitser Miller's coffin plank kept us from settling on the Ramsay tract." Commenting on this, nearly fifty years after, Mr. Williamson said: "Our immigrant train had better have turned in the direction of the Fourth Chickasaw Bluff, with Mr. Miller's coffin plank, than to have crossed the Big Hatchie." But Randolph was not the only rival Memphis had. Raleigh contested the palm of commercial supremacy with her, and at one time did as much business. She was more modest than Randolph, but she insisted on being the county town; and, having secured the court-house, assumed all the airs of a local capital. "Even Fort Pickering, with its one block-house and two or three Indian mounds, contended for the mastery.[1] And there were even some among us who thought the town ought to be at Fort Pickering instead of where it is; some of them men of great influence, too; and when the question of a railroad from Charleston to Memphis was agitated, a few of those influential men contended that it should go to Fort Pickering instead of Memphis. Their counsel prevailed, and the road was surveyed and graded from La Grange to Fort Pickering. Then the people of Memphis showed their pluck and determination. They said, Memphis shall remain where it is, and the road shall come to Memphis. And it did come to Memphis, and left to Fort Pickering only the relic of the grade. Since Fort Pickering became satisfied with being a suburb of Memphis, instead of the

[1] J. J. Rawlings.

principal, it has become a very important place. The other rivals of Memphis have long since been swallowed up or wiped out. To see them now one would not suppose they were ever rivals of anything." In these last sentences there lingers something of the bitterness that prevailed during the successive wars waged for and against Memphis. Even Davis, who tries very hard sometimes to be philosophic, speaks of Fort Pickering as a town laid off "by a number of broken-down speculators, whose only remaining stock in trade was gas." He says, that "according to their prediction, it was to be *the* town," but "they cut a small figure and soon played out, leaving their unfortunate dupes to settle the question of title with the original proprietors as best they could, and opening a rich feast for hungry lawyers." Besides the rivals with which it had to contend on this side of the Mississippi, Memphis had three on the other, —Mound City, Hopefield and Pedraza, which was at first known as L'Esperance and next as Foy's Point, which in the early years of this century was a very important landing and the trading centre of a healthy, intelligent and moral community. Judge Foy, from whom it took its name, was strict though humane, and was such a terror to evil-doers that they avoided his district, which extended as far as Arkansas Post. He held the point under a Spanish grant. After his death it became the resort of the most vicious and despicable classes, because of the inability of the citizens to cope with them. Jack James, a young man of considerable enterprise, but wanting in moral courage,[1] procured a commission as magistrate and attempted to restore order and law, but he broke down in his first attempt and never recovered from the contempt his failure produced. "The Point, however, soon after loomed into a great city in prospective." Several enterprising Memphians conceived the grand scheme of building a rival town on the opposite side of the river, which, according to their prediction, was to lay the one-horse concern on the bluff entirely in the shade. Glowing notices of it were published in several newspapers, and a very attractive map of it was made, surrounded by cuts of numerous churches, hotels and other public buildings, soon to be erected, with the goddess of plenty shaking all manner of good things out of a cornucopia, and other representations, designed to catch the eye of men "who had more money than brains;" and they dignified it with the name "Pedraza."[2] The sale of lots was put off from time to time "on account of the shyness of the crowd, which grew beautifully less until it fell through entirely."[3] As with Pedraza, so with Hopefield and Mound City. Their rivalry was of but short duration. Pedraza has long been forgotten and the other two exist merely as names. But the rivalry of these and other places[4] was as a feeble cry com-

[1] James D. Davis.

[2] There is a town of that name in Venezuela, thirty-eight miles west of Varinas, and the only one mentioned by the encyclopedias, commercial gazetteers or geographies.

[3] James D. Davis.

[4] In 1840 or 1841, the town of Commerce, Tunica county, Miss., east bank of the Missis-

pared to that which was waged between Memphis and South Memphis. "Its most remarkable feature was intense hatred," followed, wonderfully enough, by "so little comparative bloodshed." How much, has not been recorded, but there was some. It was a sectional strife between North and South Memphis, or, as these districts were designated, "Pinch and Sodom."[1] These names expressed wide extremes of contempt and hate. The word Sodom conveys a meaning of surpassing wickedness and degradation, and needs no explanation. That it was properly applied, no one, even at that time, could believe. It was merely the product of local malice, and was applied as an epithet by the people of Pinch, who were made, by their leaders, to understand that a word so distant from them in its original signification, was a term of reproach, loaded with all possible disgrace and infamy. In the war between the rivals this word was as bitterness and gall to the South Memphians. It was offensive, and summed up the feelings of hate and detestation of the people of Memphis for those who antagonised them; and to these, whether they were of South Memphis or of the third ward of Memphis, it finally came to be applied. Of the leaders, who were most prominent in this rivalry, Davis mentions Dr. Jeptha Fowlkes and General Levin H. Coe, both men of ability and of eager, ardent and courageous natures, and with rare capacity for leadership. How far they were involved in the inception of the troubles, he does not say. Dr. Fowlkes was for Memphis and General Coe for South Memphis. There was nothing wrong in the espousal, by these and other citizens, of the interests of the towns in which they had their homes; but there was in the fury that characterised their followers, and the extent of vituperation and vilification to which it was carried by them. It encouraged the lawless, led to bloodshed, and eventually precipitated a conflict between the city authorities and the flat-boatmen. These last were a noisy and boisterous set, who generally floated down the river in fleets, and were, therefore, so strong in numbers as to defy the authorities of the small towns on the Mississippi, who levied, but could not collect a

sippi, about forty miles below Memphis, was founded as another rival of the enterprising and still struggling town, by a number of planters, who were aggrieved because the Memphis merchants charged fifty cents per bale for storing, handling and insuring cotton. They thought they could do better, but a little experience taught them they could not, and their experiment of building a city to order fell through. Commerce is still a "landing" for the convenience of the planters of part of Tunica.

[1] Davis, accounting for the revival of the name "Pinch," says it was in the spring of 1837 that James D. Currin, merchant of the firm of Currin & Strange, was elected alderman from the first ward. By that time the town had extended south considerably, generally in little groups of houses, to which names were given, such as Lake, Walker, Yatesville, Lewisburg, Andersonville, and so on; and it became a habit in the board to pleasantly apply the name of the locality instead of the ward, to members, whenever they were referred to in the course of the proceedings. Currin being among the first to adopt this course, and being rather unsparing in his witty sallies, his immediate locality having no distinct appellation; and although he lived far remote from any bound to which the original "Pinch" had extended, it was part of his ward, and therefore he was addressed as the gentleman from "Pinch."

tax from them for the maintenance of their landings. They have been described[1] as a singular medley of good and bad. "At home they were good, moral citizens, and not infrequently strict church members. Some of them deacons, class-leaders, exhorters, and even rough preachers, who, perhaps, thought religion too sacred a thing to take on a flat-boat, particularly as they were going among a set of barbarians, as they considered the settlers on the Mississippi to be; and it was by no means uncommon for those who displayed the most religion at home to be the greatest rowdies abroad. The trip was looked upon as a frolic, and they assumed it their privilege to clean out and regulate the little towns, particularly those who had the audacity to collect wharfage, which they held to be a great outrage and unconstitutional." From the day of its incorporation the authorities of Memphis had tried to collect wharfage, but found it impossible, until William Spickernagle became mayor in 1841. The wharf-master down to this time had been treated with contempt by the flat-boatmen, who, on several occasions, besides their derisive cheers, hastened the speedy retreat of the timorous and frightened officer up the bluff, with long canes with which they lashed the ground at his heels, "some of the licks" taking effect, as the historian judged from "the way he wriggled."[2] They even went farther than this. "Sometimes they would invite him into the cabin under pretense of paying him; then shove off, float down the river and land him on President's Island, from which he would have to make his way back to the city as best he could. But it was not the wharf-master alone who fared badly. Some of our best citizens were shamefully assaulted and abused by these brutal boatmen."[3] Ten or twelve years of such defiant rowdyism and rebellion against authority was enough to concentrate the energies of all Memphis for its suppression. Stung and goaded by the shame thus put upon them by the flat-boatmen, the citizens, in 1841, determined to elect men who would not invite the general contempt, but the general confidence by enforcing the law at any cost or personal sacrifice. Mr. Spickernagle, a dignified and resolute man, was supported by "a reform" board of aldermen,[4] who confirmed his appointments of earnest and reliable men, through whom he determined to enforce the law. To secure a brave and efficient man for wharf-master, they "offered him twenty-five per cent. of his collections and promised to stand by and sustain him." He proved the public confidence to be well placed. He enforced the law, and made "a good thing of it, not only for himself, but for the town; but not without some very severe blows," and one encounter that ended in bloodshed, in the death of the leading bully among the flat-boatmen, who were very greatly encouraged

[1] James D. Davis.

[2] The historian and the wharf-master were one and the same person—James D. Davis.

[3] James D. Davis.

[4] Michael Leonard, Joseph Wright, C. B. Murray, Jacob M. Moon, T. C. McMakin, E. Hickman, L. C. Trezevant, and W. B. Garrison.

in their defiance of authority by the emissaries of the rival corporations of Fort Pickering and South Memphis, and by the citizens of the third ward extending from Market to Union street, who desired to profit by the trade which the fleet of flat-boats rapidly increased. "The flat-boat landing at this time extended from the mouth of Wolf River to the foot of Adams street, and its removal below Union street became a great object with the two lower towns, in the belief that when that was effected, all other kinds of business would centre there."[1] Unfortunately, the feeling between the city wards had been much embittered the year previous by the refusal of the mayor and aldermen to permit the citizens of the third ward, at their own expense, to cut a road to the landing, so that they would "not be obliged to go up to Market street and back under the bluff as low as Madison street." The older (first and second) wards were determined to monopolise the wharf, and were so jealous of their sway that when the water at the wooden wharf, built out in 1837 across the bar at the foot of Winchester street, became too shallow, and Captain William W. Hart was compelled to drop his wharf-boat three or four hundred yards down to accommodate the steamboats, the "board of mayor and aldermen, with more of arrogance than decency,"[2] ordered him to bring her back. Hart, who was United States mail agent and a very popular man, declined to obey the order, notwithstanding they passed "blood-and-thunder resolutions, and even threatened to raise a mob and cut his boat loose."[3] Encouraged by

[1] Floyd's "Merchants' Memphis Guide," 1869: "From the year 1840 Front Row, in point of business, distanced all the other streets of the city, owing to regular packets in the winter months making this their starting point. What still more tended to this end was the removal of 'Shaw's wharf-boat' to the foot of Howard Row, this having been brought about by the rivalry existing between Memphis and South Memphis, the latter granting A. B. Shaw a free wharfage privilege for the term of fifteen years."

[2] James D. Davis.

[3] Colonel J. T. Trezevant, who was a resident of South Memphis at this time and one of its most valued citizens, explains that "most citizens who owned town lots on Front street saw even as early as 1837 that the river business was drifting southward, and that that was to be the leading street. Four boats out of five discharged and received freight at what was known as Hart's Landing, at the foot of Union street. Hart had a finely equipped wharf-boat, with tables, beds and bedding, and as it was at least a half-mile from that landing to the nearest hotel at the corner of Maine and Winchester streets, the competition between Hart and the hotels was active. Much might be said about the immense trade carried on between the boats, or 'boat-houses,' and the country within eight or ten miles of Memphis. They sold us meat, flour, corn, meal, salt, potatoes (Irish), onions, hardware, crockery, lumber, furniture, whisky, lard, and many other articles needed in town-houses and on farms, but not always otherwise attainable. But the business still kept creeping southward, and 'Pinch' determined to build a wooden wharf from the foot of Market street to deep water at the foot of Winchester street. The wharf was to be in the form of the letter A. The two wings of the wharf started out from Market and Winchester streets—B from the first and C from the second. They met about half-way from the river and there formed a common, broad plank-way of oak timber three inches thick. From the bluff to deep water was about 300 yards; and whenever the river was up, all the land between Market and Winchester streets was from one to four feet under water.

this the people of the third ward conceived the idea of laying off another town, to which they hoped to draw off the merchants and better class of citizens, and leave the Pinchites, for whom they always expressed a supreme contempt, alone in their glory; and there was some talk of seceding and uniting with South Memphis, which, with Fort Pickering, rejoiced over the prevalent confusion in the affairs of Memphis. But this was not to be of long duration. Pinch made concessions in spite of increasing annoyances by the Sodomites of the third ward, as they were well able to, seeing that the steamboat landing was not profitable, and that the flat-boats attracted all the country trade. "These, 'tied up' above Adams street, and the best business stands were located in that vicinity," and there the business of the town was concentrated. This was a crisis in the affairs of Memphis, and the people were fortunate in securing the services of officials who were intelligent enough to see and know and take advantage of it. The population was beginning to increase, and foreign capital to seek investments. Hitherto a very bad name as an unhealthy place, the internal contentions and the war of rivalry with South Memphis, Fort Pickering, and the other places already named, had retarded the growth of the town. With the concentration of the energies of her own citizens a better day was dawning. From this time Memphis was to grow rapidly, and from this time she was to be governed with some idea as to her future, and with a purpose to compel obedience to her laws. Mayor Spickernagle

This wharf was regarded as the only way to save 'Pinch,' and it was rapidly built. From the point where the wings met down to the apron of the wharf on the river, there was a large platform for receiving goods, and they were taken away by one way or the other. Each wing was at least forty or fifty feet wide and afforded ample accommodation, so that it looked as if there would be no more travelling southward. But as in all cases, where art has not money enough to control nature, the latter stepped in, and in a few years the wharf was gone. John Trigg bought and improved the lots on the south side of Poplar street from Front to the first alley east, but it did not check the march of business down the river. Then came W. A. Bickford, who took a lease of one hundred years on Exchange Square, and, with the energy marking all his career here, put up a solid block of brick buildings three stories high. They are there yet, but South Memphis is now a mile and a half south of Exchange Square. Everything and almost everybody ran wild; 'South Memphis' and 'Pinch' were the slogans; 'Down stream!' was the cry. And one morning in 1837, when it was known that Anderson and Walker, two of the best business men and most popular merchants, had started a large two-story crockery and commission house on Front, near the corner of Jefferson street; Goodman and Moran followed, and Front was soon under contract the whole way down to Howard's Row (Union street), the southern limit of the city, where Wardlow Howard became the largest cotton seller in Memphis. There were many stories told of the rivalry between him and David Park, then, and for many years after the largest, boldest and most successful cotton buyer here. South Memphis checked the march south. Robertson Topp, W. L. Vance and others had purchased 500 acres of land reaching down along the river front below the Jackson mound, and they enlisted hundreds of men and helped them in securing homes, and thus helped to continue the fight between the rival corporations. This continued until the consolidation of the two towns by an almost unanimous vote in 1850. At the same election the new town or city voted $500,000 to the Memphis and Charleston Railroad."

made Memphis strong in self-respect by a prompt and impartial enforcement of the laws, and when, in 1842, he retired to make room for Mayor Hickman,[1] that gentleman took up the reins of power where he had dropped them, and held them with as firm and steady a hand, directing the public will in channels of purpose that the people of this day still largely profit by. He retained the officers who had done so well, and instructed them to continue in the line of reform, assuring them that he would sustain them with all the power the law conferred upon him. They had need of this sustaining power sooner than they expected.

VII.

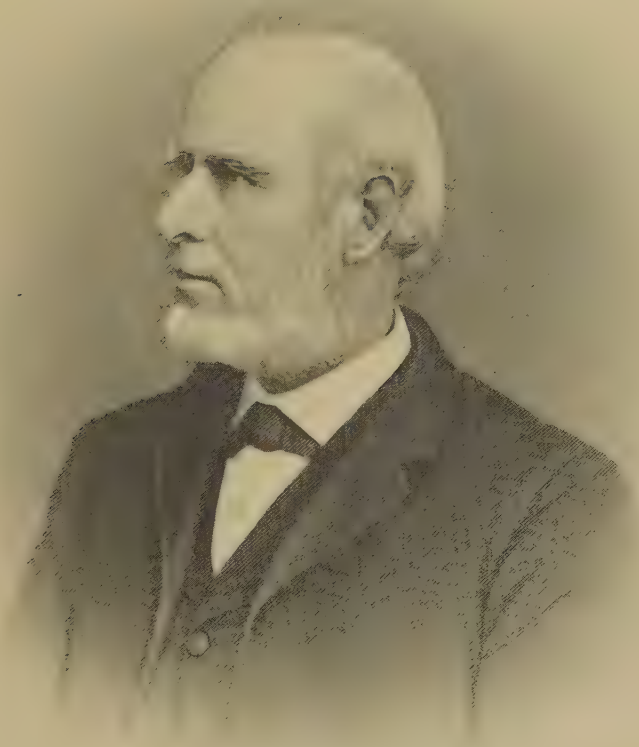
MEMPHIS still had difficulties to encounter, and evils to contend with. Mr. Hickman continued in office, as mayor, until 1845, during which period she asserted her ability to survive all opposition and overcome all her enemies. In January, of 1842, the Whigs, in public meeting, endorsed the movement for the establishment of a Western armory, a navy and dock yard. This made the people of the town a unit for these purposes. And it was not deemed inconsistent, while asking for the armory and navy yard, to request the Federal government "to deed the arsenal grounds" to the city for college purposes. The news from Texas had grown to a degree of intensity that threatened the absorption of the public mind. Kendall, of the New Orleans *Picayune*, one of the fathers of modern journalism, had written from Mexico that the American prisoners were every day taunted with the cowardice of the United States government, and asked: "Don't you wish you were an Englishman or any other than a citizen of the United States?" The Republic of Texas was thus completely ignored, the Mexicans regarding it as a mere filibustering movement, and its soldiers as the Tennesseeans did, as still citizens of the United States. Rumors that England, then involved in a dispute with the Federal government in relation to McLeod's case,[2] had instigated the inva-

[1] Edwin Hickman was the son of Major Edwin Hickman, the friend of General James Robertson and Colonel Robert Weakley, who was killed by the Indians while they were on a surveying expedition. Colonel Saunders, of Alabama, to whom we are indebted for the facts of Mr. Hickman's life, says: "I have heard, when I was a boy, Colonel Weakley recount to my father this mournful incident, with this additional feature. When Robertson and Weakley with sixty men returned, the Indians were gone; and they had cut up the body of Hickman into small pieces. John P. Hickman, an older brother of Edwin Hickman, married a daughter of Colonel Robert Weakley and lived for many years at Wheeler, near Courtland, Ala. Edwin was unmarried and made his home with his brother, John P. He went to Memphis and was the mayor of that city. He was a remarkably handsome man, and had a fine address. He lived afterwards at San Antonio, where he died."

[2] For the cutting out of and burning of an American steamer in 1839, and sending it all ablaze down the Niagara River.

sion of Texas by Mexican troops, which was the special occasion of the present excitement, increased the eagerness of recruits to be on their way to the scene of conflict. The company raised in Memphis for that wolf hunt in Texas, left on the 1st of April for New Orleans, on the steamer *Star of the West*, with a company from Randolph. Others from Grenada and Holly Springs, Miss., were expected to follow. The whole country was asserting itself for Texas, and the public opinion that forced and supported the war with Mexico was crystallising. On the 29th ex-President Martin Van Buren, on his way to the Hermitage, on board the steamer *Nashville*, stopped for an hour or two at the Exchange Hotel, but at so late an hour that all the citizens "could not pay their respects to him." But it was just as well. Even then, the wiley fox, whose ascendency in public life marks the sudden divergence from the able statesmanship of the second era of the republic, succeeding to the more remarkable one of the revolution, was fixing in his own mind the lines of opposition to the annexation of Texas, which secured him the Free-Soil nomination for the presidency and the defeat of Cass, one of the ablest and most consistent leaders of the Democartic party. Had "Old Hickory" been gifted with prophetic vision, and been able to see through the coming years that Van Buren was thus to intervene and try to prevent the consummation of what he believed was a just and right policy, his last hours would have been clouded, and he no doubt would have refused to see the traitor.[1] Of great questions that occasionally took the public attention away from Texas, the disgraceful fiasco of Dorr, in Rhode Island, was a principal. The apportionment for members of the national House of Representatives was another. It fixed the population of the congressional districts at 50,199, which gave Tennessee eleven members out of a total of three hundred and six. The resumption of specie payments by the State banks, was a topic for some months, and until the bank of Tennessee resumed, in July, an event that gave a fresh impetus to business in Memphis. But serious as these questions were they were put away for a few days for one of even more serious import to the people of the town, who were at last confronted with the question whether the flat-boatmen should enforce a privilege of free wharfage in defiance of the ordinances, or be compelled to obey them. The crisis, of which Mayor Hickman had warned the officers,

[1] Van Buren had at first adroitly stated his position on the question of the annexation of Texas to be favorable to its consummation, when it could be done honorably, but he pushed out and away from that unexplainable position and became as the chief of the Free-Soil Democrats, one of the founders of the Republican party. On the other hand, General Jackson, to whom he owed his elevation to the presidency, made this annexation in his seventy-seventh year his daily thought. It had been his dream for forty years. It was the conquest of Texas that induced him to lend a willing ear to Burr's filibustering scheme of 1806; and though for the sake of accomplishing the annexation of Florida, in 1819, he gave up Texas, it was with a purpose to revive the question at a more favorable opportunity. In 1829, when president, he made an effort to obtain Texas, but failing, made no attempt subsequently to interfere with General Houston and his fellow-filibusters.



had arrived. The year 1841 had been one of the most productive ever known in the Mississippi valley up to that time, and a result was, that with the spring rise fleet after fleet of flat-boats from the upper rivers, built and manned by the farmers themselves, floated down the great river, filled, as much as they could hold, with the products of their farms. "In the month of May, 1842," says Wharfmaster Davis, "upward of five hundred flat-boats were lying at the Memphis landing at one time, quite a number of which were out of the Wabash. The owner of two of these boats was a man named Trester, who was noted for being a very desperate character. He had not been down the river the previous year, but had heard from others of the boatmen who had, that there was a wharfmaster at Memphis whom there was no getting around or dodging. Trester swore that he would show them that he could do it, and accordingly provided himself with a big stick thickly set with the joints of limbs, which he cut off at a projection of about half an inch from the stem. With this he proposed to comb the wharfmaster's head, and when that functionary called upon him to collect wharfage, he asked, in bullying tones: "Who are you?" "The wharfmaster," was the prompt and curt reply. Receiving which, Trester stepped back to the hatch and called for his club. Seizing and flourishing it he said to the officer: "Do you see this? I cut it on purpose for you, and I am going to use it on you, if you ever again show your face here while I remain; and if you don't leave quickly, I will give it to you now. I am master at this landing." By this time a crowd had collected and was cheering Trester on, and the wharfmaster, who was alone, thought it prudent to withdraw. He went to the mayor and obtained a warrant and gave it to the town constable, G. B. Locke, to serve it. Thus armed, and with this assistance, the wharfmaster went down to the boat again. But the constable, on attempting to perform his duty, was met by Trester with his ugly club. "I have a warrant for you," said Constable Locke; "and I have one for you," responded Trester, advancing in a menacing way with his weapon. Locke stood his ground, unflinchingly, but realising that he could not contend, even with the wharfmaster's assistance, with the gathering swarm of flat-boatmen, he left, returned to the mayor and reported the facts. Mayor Hickman at once made a requisition upon the Rifle Guards, one of two military companies (the other being the Blues), that had been organised the year previous, to be in readiness for just such emergencies. In less than an hour the wharfmaster and Constable Locke, with a dozen of the guards, armed and equipped, arrived at the landing. "The sight of the glistening bayonets," Davis continues, "had the effect of dispersing the crowd, and Trester hastily shoved his boats back some twenty feet from the shore. As soon as he was, as he thought, beyond their reach and jurisdiction, he let loose upon them with his tongue, denouncing them as cowards and daring them to fire. The ferry flat passing at that time, 'there,' he continued, 'take that flat and come out here, if you

want to fight.' To his surprise, no doubt, they took him at his word. He and his men immediately resorted to their oars and succeeded in reaching the current before the flat with the soldiers overtook them. Seeing there was no escape by flight,—for Trester had two heavily loaded boats lashed together, manned by only eight or ten men,—he prepared to fight. With an ax he cut poles into convenient lengths for clubs, with which he armed his men. Their first movement was to shove off the ferry flat with poles, but failing in this, they seized their clubs and stood ready to strike any one who boarded them, and the gunwales of the flats being five feet higher than the ferry flat they had a decided advantage. The wharfmaster went forward to parley, but Trester sent him sprawling with a blow from his club. Captain Ruth, Constable Locke and another gentleman, whom I do not now remember, attempted, simultaneously, to board the flat-boats, but were each knocked down. Ruth had, however, succeeded in gaining the deck, and Trester, having, as he supposed, dispatched the wharfmaster, was aiming a final blow at the head of the prostrate captain, when several citizens, who had accompanied the squad of the guards cried out: 'Fire! Fire!' Four of the soldiers obeyed; yet, strange to say, but one ball took effect and proved fatal. Trester leaped into the air, uttering a piercing shriek, and fell dead on the deck.[1] The crew at once took refuge in their cabins; while Captain Ruth took charge of the boats, manned the oars and landed them at the foot of Beale street. But the difficulty was not yet over. In fact, it appeared to have barely commenced. Fully two thousand excited boatmen were seen pressing hastily down to meet the captured boats, many of them armed with muskets; while from the bluff the citizens rushed *en masse* to the fray. Our adult male population did not then exceed one-half that of the boatmen, yet a much larger number of them were armed. Captain Ruth ordered his men to form in line and load, notwithstanding which the boatmen made a belligerent demonstration. Just at that moment, and very opportunely, a number of the Blues rushed down the bluff, and these Captain Ruth ordered to 'arrest these men.' Immediately the bayonets of the Blues were at the breasts of some half a dozen of the most demonstrative, who were marched on to the ferry flat as prisoners. One of the citizens, in the interest of peace, attempted to address the rioters, but Captain Ruth forbade it. Both the Blues and the Rifle Guards were by this time mustered in their full strength, and, supported by a strong body of armed citizens, presented an array that, emphasising what had

[1] It was reported at the time that Trester was shot by Constable Locke, but this was not true. Mayor Hickman made a public statement of the facts that was sustained by subsequent judicial examination.

Mr. J. P. Prescott: "Trester died of his wounds, on the second day following, acknowledging, however, a few hours before he died, that he was in the wrong. He said he would have paid his wharfage, but he thought he could get clear of it, and that he had thrown his life away for the sake of a dollar or two. He said he had no idea that our soldiers would discharge their pieces at him or his comrades."

already been done in vindication of the law, had an instantly deterring effect. The boatmen gave way and retired to their boats, and Captain Ruth marched his prisoners up town where, shortly after, they were released by the mayor, who forbade the slightest display of triumph. A strong guard at the landing was deemed necessary for two or three days, during which most of the boats left and pushed on down the river. A board of magistrates from the country was requested to investigate the whole matter, and the boatmen were invited to be present and bring forward such witnesses as they desired; but they declined to take any part in it. This court of magistrates, after a patient hearing of all the facts, justified everything that was done."[1] Peace was thus restored, and the wharfmaster thereafter continued to perform his duties without molestation, although threats were said to have been made against his life. There was no more resistance to the collection of wharfage. "The newspapers," Davis says, "throughout the country represented this affair in a way quite prejudicial to Memphis, alleging that Trester was pursued by a mob and shot down, for simply refusing to pay one dollar, unjustly demanded of him. The Legislature of Indiana passed some terribly warlike resolutions,[2] and poor little Fort Pickering thought she saw the certain downfall of Memphis to her profit and advancement." But, after a few weeks, seeing how rapidly Memphis began to grow, and how great was the influx of capital, she gave up the contest and was content to become a suburb of the city of which she is now an incorporate part.[3] On the 18th of June the adventurous Porter opened a theatre on Main street, near the railroad (Washington street), the bill being "The Honeymoon," followed, as was the custom everywhere at that time with theatrical managers, and for some years later, by the farce of "The Waterman." It was a successful venture that brightened the lives of the people, and it was so well supported that "the poor player" felt encouraged to continue and hold the precarious tenure thus secured as a foundation for the future. Concerts, that were well attended, were also given about this time by amateurs and professionals, and all the schools were doing well. A marked

[1] Official publication of their statement was made in the *Appeal* of June 3, 1842, with a note from Mayor Hickman attached.

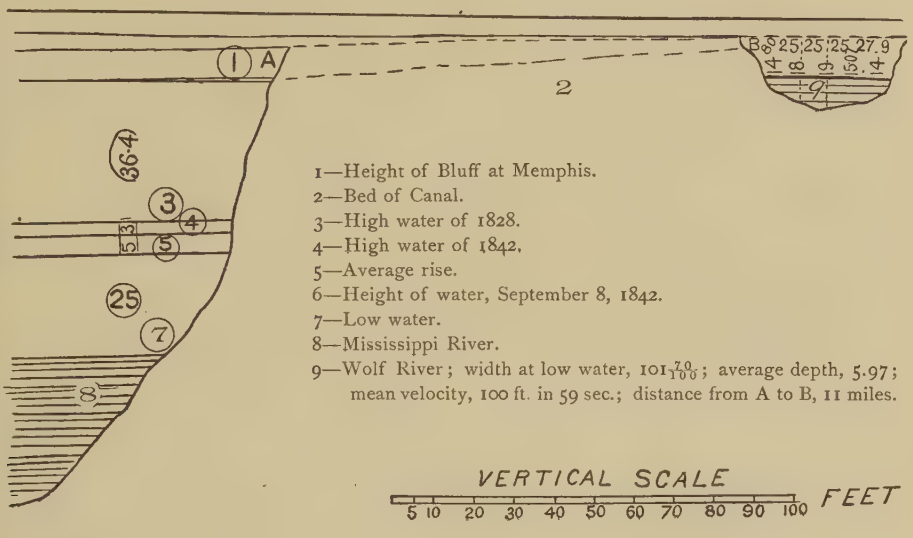
[2] Application to Mr. Charles F. Griffin, secretary of state of Indiana (1887), for a copy of these warlike resolutions brought this answer: "I have searched thoroughly the House and Senate journals of 1842 and 1843 and cannot find any such resolutions."

[3] The business part of the town of Fort Pickering was mainly built on a delta, part of which still remains under the bluff, and extending from what is now Beale street to the ferry landing of the Kansas City, Memphis and Birmingham Railroad. As many as twenty or thirty brick buildings were built there, all of which, with the land on which they stood, have been long since washed away by the river. It was very convenient for steamboats, but was at the best very hazardous, and was ultimately attended with great loss. The houses and stores built on the bluff were most of them torn down and re-erected in South or, as it was called, "old" Memphis. As all hopes of making headway against the two towns disappeared,—all chance of profiting by their rivalry, the owners were compelled to resort to this extremity to save something from the wreck.

advance had been made in general intelligence, a great many well educated and cultivated people had settled in the town and were leading in its social and public affairs. The race course of the Jockey Club was well sustained, and the traditions of excellent sport and fair play that came down from the Indians and earliest settlers, were carefully perpetuated. The canal project, in September of this year (1842), was much discussed, and the newspapers had many articles upon it. The *Eagle* was opposed to it, but the *Appeal* was persistent and strong in its advocacy of it. On the 4th of November it published the plans and profiles of Colonel Morrison,[1] who had made a survey which, in his over-sanguine view, justified him in the assertion that it could be built for $50,000. In his accompanying report he said it was to be forty feet wide, twenty-six feet at the bottom, and four feet deep. There was to be a permanent dam at Wolf River, and it was to be eleven miles long, in which distance a fall of forty-two feet seventy-two one hundredths water, was promised equal to four hundred horse power for the contemplated national works (the armory and navy and dock yard), and to run eight pairs of six feet millstones, 500,000 spindles for spinning cotton and one hundred power looms. But there was no positive or even encouraging response to all this by the good people. The mayor and aldermen, however, believed in the canal. They believed with Colonel Morrison, and proceeded to pass resolutions, setting forth for the especial benefit of the national government the eligibility of Memphis for the proposed western armory and the navy and dock yard. The town was "looking up," and the ideas of some of the leaders,—the more speculative of them especially were expanding,—were taking on the balloon form of inflation. The Gayoso House, in South Memphis, was nearing completion; the Catholic church (St. Peter's), on Adams street, was finished, and the Episcopal church (Calvary), on Second street, had just been commenced. Improvements were everywhere visible. The steamboat wharf had been graded and the Market street wharf had been completed. Memphis had ceased to be a mere "trading point"; it had become a "commercial centre." Sixty thousand bales of cotton had been shipped during the previous season of 1841–42. In 1843 the first telegraph line was opened to New Orleans. It was built and owned by a local company of which Mr. Thomas H. Allen[2] was president. This event, so significant of the progress of the age, and the location of the western navy yard, with the general State election, were the subjects of public discussion. Ex-Governor James K. Polk was announced by the *Appeal* as Tennessee's choice for the nomination for president by the Democratic party. He was also the choice of

[1] See accompanying drawings.

[2] Mr. Allen came to Memphis when a very young man, from Somerville, Fayette county, to which place his father emigrated soon after the purchase of the district by Jackson. There he was early engaged in business in his father's store, and was, for a time, postmaster. An active, enterprising man, he soon reached the front in spite of the great number of very aggressive men then in Memphis, and has maintained his position most creditably ever since.



1—Height of Bluff at Memphis.
2—Bed of Canal.
3—High water of 1828.
4—High water of 1842.
5—Average rise.
6—Height of water, September 8, 1842.
7—Low water.
8—Mississippi River.
9—Wolf River; width at low water, $101\frac{70}{100}$; average depth, 5.97; mean velocity, 100 ft. in 59 sec.; distance from A to B, 11 miles.

VERTICAL SCALE
5 10 20 30 40 50 60 70 80 90 100 FEET

1—Mississippi River.
2—Wolf River, 55 miles.
3—Little Hatchie River.
4—Bayou.
5—Lick Creek.
6—Cypress Creek.
7—Cottonwood Creek.
8—Hurricane Creek.
9—Memphis.
11—Raleigh.
12—Stanley's Ford.
13—Dam.
14—Canal Route, 11 miles.
15—Road to Raleigh.

PROFILE AND VERTICAL MAPS OF THE PROPOSED CANAL FROM WOLF RIVER TO MEMPHIS, PUBLISHED IN THE APPEAL, NOVEMBER 4, 1842.

General Jackson who, during the campaign, revived his old charge of bargain and corruption against Clay, which, more than anything else, helped to defeat the Whig candidate and elect Mr. Polk, whom he regarded as his political heir. David Fentress, of Fayette, was the Democratic candidate for Congress in the tenth district. Hickman, candidate for re-election to the mayoralty, had no opposition and was elected. Memphis, the papers rejoiced to chronicle, had never been so crowded by visitors and "men of means," seeking investments for their money. Meetings were held to push the navy yard project which, notwithstanding the favorable preliminary report of the naval commission, was disputed by New Orleans. But, toward the close of the year, Captains Adams, Johnston and Rousseau, of the navy, completed their examination and survey of the batture and recommended it to the secretary of the navy; taking occasion to endorse the canal scheme as a necessary, cheap, reliable and never-failing source of water power. These officers also inspected sites in the rival towns of Fort Pickering and South Memphis; but the batture was reported favorably upon, and after the wrangle, already referred to, in which a few citizens, some land warrant holders and the original proprietors participated, each on a basis of self, the city was, upon a compromise, enabled to donate the requisite quantity of land and yield her right of ownership. The story of this compromise begins as far back as 1819, when Lawrence laid off the town. The mouth of the Wolf River was then opposite the foot of Sycamore street; but within a few years afterwards a sand bar was formed in front of the town from the mouth of the Wolf down to Jefferson street, and Walter D. Dabney, John D. Martin and James D. Ruffin made entries and procured grants from the State, covering the sand bar and other land which they contended was west of the Rice grant. Indeed, Ruffin & Co. ran their line east of Main street, but their grant seems to have been of no value, as only a few persons were frightened into buying their claims on lots in town, and the matter does not appear to have been pressed farther. The proprietors of Memphis vigorously opposed these claims of Dabney and Martin, and there was in prospect a long series of legal complications; but in 1844 a compromise was made of all interests, and all parties joined in conveying the land in dispute to Seth Wheatley, in trust, to lay it out in lots and make sales. The addition thus made is bounded north by Market street, east by the promenade, south by Jefferson street and west by the river, and was called the compromise addition, or the batture addition to the town of Memphis. The conflicting claims to the accretion below Sycamore street having been settled, the mayor and aldermen bought, in addition, lots Nos. 1 to 24 inclusive, on the original plan of the town, and in September, 1844, conveyed to the United States the lands bounded north by the north line of Auction street, extended, east by Chickasaw (Front) street, south by Market street and west by the Mississippi River, thus including the mouth of Wolf River. "The first settlers[1] found a much

[1] James D. Davis.

more extensive batture in front of the bluff than the present one ever was, on which there was an Indian village; and for years afterward the only semblance of a town were a few cabins or shanties, erected at the mouth of Wolf River, which was then about opposite to the foot of what is now Jefferson street. There were also some three or four corn fields, worked by the Indians, and a quarter race track on which the speed of their ponies was daily tried. Henry Foy purchased the right of the Indians and cultivated the fields[1] more extensively. At what time this batture was washed away I do not remember to have heard, but think it was shortly after the earthquakes at New Madrid, which caused numerous changes in the river.[2] At this time, however, and for more than thirty years after, the river was thickly studded with snags, which would connect large quantities of driftwood, causing the current to set with powerful force against the shore in many places, and I have seen whole acres cave in a body, carrying with it the tallest and heaviest trees. . . . After the washing away of this batture the Mississippi crossed the mouth of the Wolf just above where Cochrane's saw-mill now stands (1887), and struck the bluff at the foot of Jackson street and washed its base from that to Fort Pickering." For twenty years this little skirt of the original batture above Jackson street constituted the only landing at this point. The high water of 1828 is still spoken of by old boatmen, not only as being higher than since known, but for its long duration and the many changes wrought in the course of the river. It opened the Tennessee chute, washed away two small islands, and threatened for a time to make it the main channel of the river, and it converted the space since occupied by the batture into a tremendous eddy.[3] The winter of 1831–2

These were the fields that Bienville's troops cultivated, in 1739, when he made his last effort to subjugate the Chickasaw Indians and connect the chain of forts from Quebec to New Orleans.

[2] These earthquakes occurred in 1811 and continued for several months. Over an extent of country stretching for three hundred miles southward from the mouth of the Ohio River, the ground rose and sank in great undulations and lakes were formed and were again drained. The surface burst open in fissures that generally extended northeast and southwest, and were sometimes more than half a mile long. From these fissures mud or water was often thrown as high as the tops of the trees. These disturbances continued until the 26th of March, 1812, when they ceased coincidently with the great earthquake at Caraccas.

[3] J. J. Rawlings: "When I first knew Memphis (1824), the channel of the river was on the Tennessee side, about where the navy yard and elevator now is. Boats ascending the river ran up the Tennessee shore, leaving the group of islands, Paddy's Hen and Chickens. The islands above the city which now block the passage where once the steamboats found the deepest water, known as Paddy's Hen and Chickens, took that name from Pat Meagher, one of Jackson's old Irish soldiers, and a sworn friend of 'Old Hickory,' right or wrong."[1] On the larboard side (left hand side), now the islands and the Tennessee shore are connected, and where the channel was are full grown trees, and boats ascending the river leave the islands on the starboard side.

[1] Davis says: "He established a wood yard on the 'Old Hen,' with a design of setting up the squatters's or occupant's right, and the island thus acquired the name of Paddy's Hen and Chickens."

was remarkable for its severity and duration. The eddy was covered with a solid body of ice, a foot in thickness, for nearly three months together. The upper rivers were virtually frozen dry. The Mississippi fell fully four feet lower than was ever or since known, and in many places the body of running water was not one hundred yards wide. Wolf River cut a channel below its ordinary bed, four or more feet, and so narrow that an active man might leap it in many places. "I observed," continues Davis, "that during this extreme low water there were large quantities of stone along the base of the bluff. Below Fort Pickering three rocks, larger than coach-bodies, made their appearance above the water. In Wolf River, near the old cotton-factory, there is a ledge of rock extending across the river, over which there was then a foot or more fall of water, and across which I have passed without wetting my feet. . . The next year, although there had been very high water, the bar, so far from being washed away, proved to have increased some six feet in height, and before the river had reached ordinary low water was lying bare. . . . While the citizens were grievously distressed at the prospect of its ruining the town, enterprising individuals were planning how they could turn it to their advantage. A company, as already stated, with R. C. McAlpin at its head, laid United States warrants upon it. The original proprietors of Memphis rushed to the rescue, claiming it as their individual property;[1] while the corporation told them to 'hands off,' that it belonged wholly to the town. A triangular lawsuit was commenced and continued for ten years, and was only compromised to secure the location of the navy yard."

VIII.

THE year 1844 is notable in the history of Memphis for the opening of the Gayoso House and the passage of the bill introduced in the national House of Representatives by Mr. Ashe, then member of Congress from the tenth district, appropriating $100,000 for the navy yard. The announcement of the latter event was made by letter from Commodore Maury, who was an enthusiastic friend of Memphis. The presidential election was the principal excitement. Polk and Dallas were the Democratic nominees, and Clay and Frelinghuysen the Whig. It is worthy of note as a farther illustration of the want of resource in the politicians and the failure of principles to fix the public conviction, that a silly report was put forward to affect the people unfavorably towards Mr. Polk, and much stress was laid upon it by the Whigs, charging that Colonel Ezekiel Polk, father of the candidate, had been a Tory during

[1] They also claimed all the ferriage, wharfage and riparian rights, and refused to let the citizens open streets to the river unless they surrendered all rights to the rest of the bluff. The ferriage rights were conceded to them, but they were defeated of the rest.

the Revolutionary War, as if that could affect the character and principles of a man who had been speaker of the House of Representatives, in which he served from 1825 to 1839, and had been governor of the State. It was only equalled by the sneering question attributed to Henry Clay, "Who is James K. Polk?" No man except Jackson was so highly esteemed in Tennessee at the time, and he was so thoroughly identified politically with "Old Hickory," who had known his father and kindred during the Revolution, that the old hero did not hesitate to come to his defence and denounce the statement a falsehood. He said he had known all the Polks in North Carolina, and knew them to have been Whigs, and to have been especially conspicuous at Mecklenburg, where the first Declaration of Independence was proclaimed by the people, on the 20th of May, 1775. Mr. Polk was a man of ability, of a very high order of statesmanship, of unswerving principle, and so firm and determined that he was long known by the sobriquet of "Young Hickory." He was elected by sixty-five electoral majority over Clay, who carried Tennessee by only 124 votes. His election gave great satisfaction to the Democrats of Tennessee, who now felt assured that Texas would be avenged and Mexico punished; that annexation would come, even if war followed. The discussion of the annexation of Texas during the Polk and Clay campaign gave a fresh impetus to Abolitionism, and it was beginning to menace the public peace as a gathering and possible power. Northern Whig newspapers were persistent in their opposition to the extension of slavery, the real and covert question being with them the equilibrium of the sections.[1] The continued and very positive interest of the people of Memphis in everything that affected Texas prepared them for the successive movements that lead up to the overtures looking to annexation. It needed no advocates to make it with them the popular cause. Slavery, which, as we have seen, had but few friends under border conditions of life and no hearty advocates, had, on account of this growing abolition feeling at the North and the enormous and every year increasing demand for cotton, been greatly strengthened as an institution supposed to be peculiarly adapted to the South and Texas, which had been largely settled by Tennesseeans, owed its independence chiefly to soldiers from that State, many of whom, like Crockett and Houston, were personally known to the people of Memphis. Besides, ever since the battle of the Alamo, little trouble had been found in recruiting companies for the armies of the young republic in and about the town. Anything for Texas seemed to be the actuating impulse, and a constant stream of emigrants and communication was the result. When, therefore, under Tyler's administration, in December, 1844, Dr. Anson Jones, being president of Texas, propositions for annexation were renewed, the Southwest was especially eager for their ac-

[1] Mr. Clay, who was the Whig leader, declared that he did not object to annexation *per se*, nor yet on account of slavery, but because Texas was claimed by Mexico as a part of her territory.

ceptance. Tyler, who had but a few hours remaining of his term, availed himself of the joint resolutions which passed in March of 1845, signed them, and sent a message at once to Texas and thus initiated the work, which Mr. James K. Polk, taking his seat on the 4th of that month, carried forward in spite of Mexico's protests, insisting that these resolutions committed the United States to the Rio Grande, and not the Neuces River, as the western boundary of Texas. On this understanding, and the additional one as to slavery, that four new States might hereafter be formed out of the Territory of Texas; that such States as were formed out of the portion lying south of 36° 30′—the Missouri compromise line—might be admitted without slavery, as the people might desire, and slavery should be prohibited in such States as might be formed out of the portion lying north of that line. This was as a sop to Cerberus. Slavery already existed in the republic of Texas, and was organized by law, and the prejudices of nearly all the settlers were for it, many of them having taken their slaves with them when they emigrated there. The very spirit of progress had now possession of Memphis, notwithstanding South Memphis had been chartered in January, and there was, by April, a confusing mass of projects and schemes before her people, many of which involved millions of dollars. The cost of any of these does not seem to have embarrassed the projectors, or those who were made happy in the belief that almost the wonders of Aladdin were about to be realised, and they were to become suddenly, a few of them, immensely wealthy. There was the railroad to Charleston, which was of itself to work marvels; then there was the military road to Little Rock, which was to make of Memphis for the emigrant to the Southwest what Chicago was then becoming for the emigrants to the Northwest—a resting-place and depot of supplies. Besides these there was the navy yard, which was to make Memphis a ship-building point; the deepening of the Mississippi, which was to enable the largest ships to anchor off her landing, and the leveeing of the low lands, which was to invite settlers to them and make Memphis rich as a great inland cotton mart. Even the seemingly matter-of-fact practical, hard, sordid and sometimes miserly man of dollars has dreams—idle dreams. Some of these schemes were not realised until a later generation—some never have been. Among the last is the canal scheme, which had been kept alive by the continued agitation of the newspapers. It was to serve as a source of water supply for the citizens and of water power for mills, and great things generally were predicted of it. The example of Cincinnati, with its canal emptying into the Ohio and the resulting manufactories upon its banks, was pressed upon the attention of the people to stimulate their consent to this wildest of wild projects. In December, of 1843, an act had been passed by the Legislature empowering the corporation to build this canal, "commencing at any point on Wolf River and terminating at the said town of Memphis; to erect a dam across Wolf River; to receive relinquishments or conveyances of

the right of survey for such canal, and to make valid any relinquishment which has been made or received; to contract any loan or loans, and to do everything that may be necessary to accomplish said work." The mayor and aldermen were also empowered to levy and collect a tax "for making said canal," in accordance with its charter and the constitution of the State. The scheme took hold upon the public mind, and for a time the people were almost unanimous for it. It seemed so feasible, so easy of accomplishment, was to cost so little, and the burden of expense was to be made so light by its distribution over a number of years, and the benefits to follow were so vast that very few were found with courage enough openly to oppose it. Much was said in its favor, but little against, so the aldermen authorised a preliminary survey, upon the strength of which Mayor J. J. Finley advertised in the *Appeal* of the 5th of April, 1845, "for bids for the construction of a canal from Wolf River to the city of Memphis; sealed proposals, to be received up to the 20th of July; the work to be paid for in the bonds of the corporation, having twenty years to run, the interest to be paid at Philadelphia, semi-annually." His Honor closed this advertisement with the assurance that the city was out of debt and "has a revenue that has increased forty per cent. per annum for the last four years, and now amounts [the surplus, it is assumed] to about $25,000." The newspapers endorsed and commended this scheme, and the *Appeal* pointed out to the planters of the adjacent country how they might utilize their slave labor in the fall and winter months by taking contracts for work upon it. It grew mildly enthusiastic over the results when the canal should be completed, and so far anticipated the future as to say, discussing the character of labor to be employed in the mills that were to line its banks, that it was not prepared to say whether free or slave labor would be most profitable, as that was "still a mooted question." This canal, declares the *Appeal*, "is all that is now wanting to make Memphis, at no very distant day, the Queen City of the great valley of the Mississippi." It was not only to give employment to the plantation labor, but the excess of farm products was to find consumers in these laborers and in those to be employed in the construction of the navy yard. "The prosperity of this community," argues the *Appeal*—with its then limited environment, and the dominating desire for rapid increase of population and diversity of industries, hurrying it into, perhaps, pardonable blunders, "the prosperity of this community has heretofore rested mainly upon the production of one single article — cotton. It is evident to all, who will give a moment's attention to the subject, that we are deprived of this resource now, and in all time to come; that a sufficient amount of this article can be produced by other portions of the country for the ample supply of the wants of the world much cheaper than it can be produced here—we mean in the Western District. It therefore becomes absolutely necessary that we should resort to some other means, to the production of some other

material for exportation, or our course will continue to be downward." What reasoning, in face of the facts then plainly apparent, of the increase of the cotton area in the neighborhood of Memphis, upon which the active operators in real estate were then predicting her upward course and progressive future! But the canal was a too pressing necessity to admit of any broader view. Everything, even cotton, which was the source of the city's life, must be presented as a bug-a-boo to hasten the rush of water that was to turn the wheels of the mills whose operatives were to become additional customers "for the excess of farm productions." But all this went for nothing. Neither planters nor contractors made any response to the mayor's invitation. Bids were not sent in. Racing, which had always been a favorite pastime with the people, even under border conditions of life, was now much encouraged. This year a spring, as well as fall, meeting was advertised, under the auspices of the Jockey Club, purses from $300 to $700 being offered for the former, and from $300 to $1,000 for the latter occasion. But this was not the only means of pleasure available to the people. John Porter, with a "barn-storming company," was presenting Shakespeare's plays to delighted audiences in an old stable on Main street, near Adams. The separation of the northern from the southern Baptists, and a possible division of the Methodist Church on account of slavery, was, in May, the leading topic for discussion. Sectional animosity had made rapid strides in eleven years. The agitation of the annexation of Texas greatly promoted the growth of this embittered feeling. Apropos of this, General Sam Houston, on the 3d of June, *en route* to the Hermitage to take his farewell of General Jackson, stopped at Memphis for a few hours and was invited to extend his stay to as many days by a committee of eminent citizens of both parties, but he was compelled to decline. In a formal letter of declination, dated the 4th, he embraced the opportunity to assure the people of the speedy annexation of Texas, which was due more to his efforts than to any other one man. He denied anything like collusion between the Republic and European governments, but admitted that, if they had not been favorable, Texas could not have secured her independence. General Houston reached the Hermitage in time to receive the last embrace of his friend, "the hero of New Orleans," who died on the 8th of June, his death "plunging the nation into woe" and "robbing Tennessee of her greatest, her noblest citizen." Next after Washington he still ranks the greatest of the great citizens of the Republic. After a few years of agitation and worry, the navy yard was a fixed fact. It was to bring a great deal of money to Memphis, and in that respect was to be more fruitful of profit than all of the forts that had been built and abandoned—the Indian agency and the arsenal "put together." It was a great thing for the town. The ever vigilant press, seeing its possibilities as a provocation to many enterprises, insisted that the planters should anticipate the wants and needs of the laborers to be employed upon it, and grow all those things that hitherto the

people of the town had been purchasing from the flat-boatmen of Indiana, Illinois and Ohio. The *Appeal* was especially persistent and said that "were there not a single pound of cotton grown in the Western District, and its lands and labor were devoted to the production of the articles for which we are, and always have been, indebted to the States above us, it would still be better for every interest in our community." Manufactures of iron and cotton were what was most needed. Complaints were about this time frequent at the issue in Memphis by the Planters' and Union banks of the notes of their branches, which were discounted at so high a rate as one and one-half per cent.; a loss in all cases borne by the working classes. An unsafe and unreliable currency was one of the evils of the time, and great loss ensued to the planters and farmers, the mechanics and laborers especially. The Democrats were in a very jubilant way over President Polk's firmness in the Oregon matter, and in this position,—"54 40 or fight,"—"the Mississippi valley, almost an empire in itself, is pledged to sustain the government." There was equal satisfaction over the action of the people of Oregon in forming a provisional government on the 24th of June, 1844, the particulars of which had just reached the Atlantic States; among the provisions of their constitution being a section prohibiting the sale of ardent spirits, or the giving away or bartering of ardent spirits, with intent to evade or avoid the law, thus anticipating the prohibition movement that now threatens to sweep through all the States as a great reform. Occasion for congratulation was also afforded the Democrats by the announcement that the Congress of Texas was unanimous for annexation. The death of Andrew Jackson was announced in Memphis on the 14th of June, and all the papers were in mourning for "the eminent hero and patriot." As the public resolutions read, "Tennessee has lost her most celebrated citizen and brightest ornament." A preliminary session of the western and southwestern convention was held on the 4th and 5th of July, at which delegates were present from Louisiana, Arkansas, Illinois, Mississippi, Tennessee and Pennsylvania, and some work for the greater gathering was agreed to. The Memphis and Charleston Railroad was endorsed by it, and the State was asked to relinquish its stock in the La Grange Railroad, which had proven so ignominious a failure. The congressional campaign of this year was fruitful of bitterness and the spleen and venom so characteristic of partisan zeal at the time.[1] Stanton, the Democratic, and P. T. Scruggs, the Whig candidate for

[1] During this canvass there appeared in Memphis a young man named Edward Gibbon, brother of the well-known Congressman Charles Gibbon, of Philadelphia. He was president of the "Clay and Frelinghuysen Club," and at his first public speech sprang at one bound to the foremost place among the orators of that most exciting campaign. One who knew him then writes that "He was universally regarded as a wonder—a prodigy of natural eloquence. He really spoke like Patrick Henry, or as that 'forest-born Demosthenes' is reported to have spoken. Certainly, his speeches had similar effects on his hearers. But, with all his eloquence, he was not a talkative man, and it was but rarely that he could be prevailed upon to speak.

Congress, were indulging fierce debates. The leading national questions were the admission of Texas and the Oregon boundary line. The Democratic National Convention of 1844 had declared for the re-occupation of Oregon on the ground that our title to the whole of it was clear and unquestionable. President Polk took the same ground in his inaugural, sustaining the position of Mr. Calhoun, who as secretary of state in Tyler's cabinet, had in January of this year insisted on latitude forty-nine, declining the offer of the British minister at Washington, Packenham, to arbitrate. But these great questions were, for a while at least, lost sight of by one of the candidates for Congress. In July, a few weeks before the election, a charge that F. P. Stanton, the Democratic candidate, was a Roman Catholic, became the subject of a correspondence between Dr. Jeptha Fowlkes and Dr. J. R. Christian; commenting on which and answering the Somerville *Reporter*, the *Appeal* says: "The charge of want of denial on the part of the Democracy has no foundation except in their [the Whig's] diseased imaginations." It did not enter the mind of the editor or any of those who were trying to exculpate Mr. Stanton from the charge, to declare for the right of private judgment and insist that it was no man's concern what the candidate's religion was. A deep vein of religious prejudice and intolerance then prevailed in the breast of the average man, and the Democrats were convinced they could not shoulder the responsibility of Catholicism in the person of their candidate. It became an intensely bitter controversy, that ended in Dr. Christian shooting, and severely, though not fatally wounding Stanton[1] at Germantown. In this campaign, which ended

No amount of 'calling' could induce him to open his mouth in public unless he really and truly had something to say—something original and striking—or, at any rate, new and different from what he had said before. Although earnestly solicited hundreds of times, I don't think he spoke more than a dozen times during the entire canvass—four or five times in Memphis, and the remainder at barbecues and mass-meetings in the neighboring counties of Tennessee and Mississippi. Nevertheless, at the close of the canvass, he had made a reputation in Memphis superior to that of any young man of his age in the whole country. I have often wondered what had become of him. I am sure he went back to Philadelphia a few years later, but after that he was heard of at Memphis no more. And yet, I am confident if he went to the bar, as I understood was his intention, and had lived long enough, we should have heard of him as among the very foremost in that profession, and that long before this he would have attained to one of the very highest niches in the temple of fame. He was only about twenty-two or twenty-three years old when he loomed up so phenomenally at Memphis. His habits were good; his character perfectly formed; firm as a rock—brave as Cæsar;—so there was no earthly reason why he should not have become in less than a score of years, Pennsylvania's 'favorite son,' and one of the Republic's grestest men."

[1] F. P. Stanton afterwards removed to Washington, whence he was sent by President Buchanan as secretary of that territory to Kansas. He took an active part in the attempt to prepare that territory for admission to the Union, but like several other prominent Democrats, only succeeded in falling to the floor between the two stools.

P. T. Scruggs was a lawyer of ability, who, for a time, gave up the practice of his profession, and eschewing politics entered the ministry of the Methodist Church, in which he was characterised by great zeal. He was a man of decided character, though seemingly of unstable and unfixed purpose, but his integrity was unquestioned.

disastrously for the Whigs, and the election of Aaron V. Brown, governor, and of Stanton, with the whole of the local Democratic ticket, as they charged, "because of the —— Irish," John L. T. Snead[1] and William T. Avery, candidates for the Legislature, both pledged themselves not to vote for the removal of the court-house from Raleigh to Memphis. The Democrats having been successful, the *Appeal* insists that West Tennessee should furnish a United States senator. It reminds East Tennessee that she has always furnished one senator, and Middle Tennessee the other; and the latter had furnished two presidents of the United States, and the former a candidate, in the person of Hugh Lawson White, for that office; and that all the high officers of the general government (cabinet and ministerial), taken from this State, had been selected from these divisions.[2] The *Appeal* also urges upon the Legislature the "cause of education," and asks, "are Tennesseeans satisfied that the census of 1850 shall disclose it as a humiliating fact that there is, or will be, a greater degree of ignorance in this than in any other State in the Union." The same paper also notices that "the subject of slavery is daily assuming an important position in the eyes of this community," and says: "The gentlemen who believe slavery to be a moral and political evil do not express the opinions of this community. Indeed, we think that it is decidedly imprudent if not worthy of the most open rebuke, that any one should advocate the abolition doctrine. We do not," the editor continues, and very inconsistently, too, "we do not desire to repress the expression of those who have been, in times past, opposed to slavery. *It is a right that they have* [the italics are the editor's], to rebuke the slaveholder, and the advocates of slavery." Abolitionism was nearly dead in Memphis. It was on its last legs. Some progress had been made since the beginning of the year in public improvements. The principal streets and alleys had been gravelled (at a cost out of all proportion to its value), and also the central landing, which had been graded between Poplar and Washington streets from Front Row to the river. A mail packet company, with four large boats, had been established, and was doing good service in the trade with New Orleans. Mr. Shires, of Pittsburgh, was announced as about to build a theatre, and Dick & Hill bought, at public sale, the square forming the northeast corner of Main and Adams streets, one hundred and forty-eight square feet for $9,050. Before the sale it had been offered for $6,000. Advertisements had also appeared in the *Appeal* in the name of George Bancroft, secretary of the navy, for bids for work

[1] Judge Snead afterwards was elected attorney-general of the State, served in the Confederate army with the rank of brigadier-general, and after the Civil War was elected a judge of the Supreme Court. Colonel Avery served several terms in Congress, was a colonel in the Confederate army, and after the war served as clerk of the Criminal Court. He was drowned in in a creek in Arkansas on the 22d of May, 1880, while fishing, in company with his friend, Mr. Calvin L. Vance.

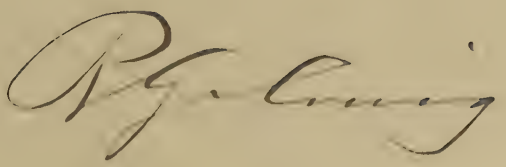
[2] The *Appeal* was again destined to disappointment, as on the 22d of November, 1845, John Bell, on the 48th ballot, was elected United States Senator to succeed Spencer Jarnigan.

on the navy yard, which that paper stated had been delayed by the red-tape operations of the department. But the construction of the canal had not been begun. No bid for work on it had yet been received. As late as the 30th of October the *Appeal* announces that nothing but some surveys had been made, and that even the right of way had not been procured. Indeed, the feasibility of the canal was being very greatly doubted. Something like conflict of sentiment was entertained by the citizens as to the propriety of the corporation embarking in the enterprise at this time; one party, having no faith in the scheme, alleging that the payment of the interest upon the bonds would create an additional tax, more onerous than the community could bear. The more sanguine, on the contrary, contended that the water privileges and water power for machinery would be productive of a handsome revenue, their imagination carrying them away beyond the intervening years and the acquisition of population so necessary to great enterprises. The debates in the United States Congress, upon the location of a western navy yard, had helped the town. The favorable reports of the naval commissioners, which were very full and highly commendatory in every way, brought it an enviable degree of notoriety. Its final acceptance by the government, as the best location, fixed it in the public mind of the West and South, especially, as one of the most important places on the Mississippi. The titles to all the lands necessary had been made over to the government by Mr. F. P. Stanton, in the spring, and Commodore Ap Catesby Jones had been sent out as commandant to superintend the work of construction, having as aids Jos. S. Watkins, navy agent; Mr. Brown, naval storekeeper, and A. B. Warford, engineer. Jeptha Fowlkes and David Looney at this time made a very satisfactory report as to the financial condition of the town, which showed only "$20,000 of outstanding indebtedness." This, it was proposed, could be taken up within the next two years, and was deemed to be a very gratifying exhibit of solvency and municipal strength. Governor Aaron V. Brown's inaugural address, published on the 23d of October, was devoted to the United States Bank, the tariff, the annexation of Texas, the settlement of the Oregon boundary question, economy in State government, and the increase of public schools. He closed by urging upon the Legislature the building of a monument to General Jackson. The election of Turney to the United States Senate, and the defeat of Nicholson, President Polk's candidate, was a topic for frequent outbursts of indignation by administration Democrats.

IX.

BUT all these things were to be ignored for a time to make room for the great Commercial Convention, the first gathering of the kind ever held in the United States, and one that made the name of Memphis as familiar as a

household word in every one of the States. The results of this convention might have been all that was predicted, but that slavery intervened to prevent anything like the wave of white population that was then flooding the West, and which was essential to the realisation of the programme of growth and advancement predicted by the speakers. The eagerness, enterprise and anticipation of the people were equal to that of their fellow-citizens of Chicago or Cincinnati, then the most flourishing city of the West; but without white laborers or mechanics they could not fully, or in any large sense, realise their hopes. They have not all of them been realised yet. Nevertheless, the convention marked an era in the life of Memphis, because it at least confirmed the judgment that laid out the city and emphasised the prophecy that pictured for her a very great future. It was, too, as notice to South Memphis, that the days of her folly were numbered, and, like Fort Pickering, she could only find growth and prosperity as an integral part of the town, that thus acquired a national fame. Preliminary to the convention, as has been stated, there had been what was entitled the Western and Southwestern Convention, a purely local affair, which charged itself with the business of advertising the greater undertaking, of providing for the delegates that might attend, of preparing a programme and indicating its scope by the statement and arrangement of the subjects that were to be brought before it. This convention adjourned from time to time, and thus kept itself alive, so that the more memorable gathering that was called to order on the 12th of November, 1845, by the illustrious John C. Calhoun, might be within its preliminary direction. The purposes of the convention, as they had been finally and definitely advertised, were, (1) to consider the best method of developing the hidden resources of the country; (2) the construction of such public works, both of a local and national character, as are of importance to the great interests of the South; (3) the construction of a ship canal connecting the great lakes with the Mississippi River; (4) the completion of the military road from Memphis through to the Red River; (5) the extension of the Cumberland road from Illinois through Missouri to Little Rock; (6) the erection of a western armory; (7) the completion of the naval depot at Memphis, and (8) the completion of the Memphis and Charleston Railroad, which had then recently been revived in consequence of the failure of the La Grange road from Fort Pickering; (9) to direct the attention of the West to its outlet to the Gulf by the Mississippi, and break its sense of dependence upon the North, which was a result of the conditions of a steady stream of emigration from the Atlantic States; to make them realise that in such an artery they had a means of cheaper transportation and quicker to the European markets than canals and railroads then could afford. Some of the delegates assembled to discuss this programme, besides the great apostle of State rights, John C. Calhoun, were men of national fame, and not a few of them, then beginning their careers, subsequently reached affluence and wealth



and to distinction in public life. Among them were John Bell and James C. Jones, of Tennessee; Governor Yell, of Arkansas; Colonel Gadsden, of South Carolina; Colonel Bingamon and Judge Bradley, of Mississippi, and General Dodge, of Iowa. These gentlemen were received with every mark of distinction, Mr. Calhoun especially.[1] He was well stricken in years and was somewhat broken, physically; but mentally he was still the giant who had made an indelible mark upon the history of the republic as a statesman of unsurpassed abilities. He had been in public life since 1811, when he first entered Congress; had been a representative from South Carolina (1811–1819); secretary of war (1819–1824); vice-president (1824–1831); senator from South Carolina[2] (1831–1843), and secretary of state in Tyler's cabinet (1843–1845.) As a thinker as well as speaker, as a metaphysician of unequalled powers of logical analysis, Mr. Calhoun had, a generation before, been elevated to a place so high in the public estimation that none who have come after him have ever been able to reach to it. His doctrine of States' rights has never been successfully controverted, though it has been overborne as the result of civil war. Idolised by his countrymen as one of the "great triumvirate,"—Clay, Calhoun and Webster,—he was so in the South, especially; his own State, particularly.

[1] Mr. H. S. Fulkerson, of Vicksburg, who was a delegate to the convention, and was on the steamer *Maria*, with Mr. Calhoun from that city, says: "The great Carolinian had reached New Orleans a week or more before the time of the meeting of the convention, where the demonstrations, in honor of the distinguished guest, were on a scale in keeping with the importance of the great Southern emporium, and the fame of the great statesman they were entertaining. He left the city in time to reach Memphis, on the morning of the day appointed for the meeting, and with ample time for the promised haltings by the way. Although then quite a young man, I had been appointed by the mayor and aldermen of the then active little business city of Grand Gulf, Miss., a delegate to the convention, and that I might be sure not to miss going up on the same boat with Mr. Calhoun, I went by packet, in advance of his boat, to the more important point of Vicksburg, where the up river boats never failed to land, and where I knew Mr. Calhoun was to have a public reception. The steamer bearing the great Southerner arrived on time, amid the booming of cannon and other demonstrations, about sundown. The reception was at the Prentiss House, where there was a spread of choicest viands provided and presided over by the ladies of the city. The reception speech was made by Mr. Jefferson Davis, then a rising young politician of the Calhoun school, residing on his plantation near the city. The speech was highly eulogistic of the guest, so much so, I thought, as to be a little unpalatable to him, but was delivered with the grace and dignity peculiar to the speaker. Mr. Calhoun was not happy in his reply. He seemed embarrassed and hesitated in his speech, and, in fact, apologised for his want of adaptness to such an occasion, and said that without the subject involving some question of principle of moment, he was unable to entertain an audience. After an hour or two thus spent (including the good things prepared by the ladies), he returned with his friends to the boat, and I followed them, taking passage for Memphis. The boat was well filled with passengers from New Orleans, and from other points along the river. Some of the names I remember, but not many, amongst them Mr. De Bow, a young South Carolinian; Prof. Forshey, of Natchez, and Judge Bodley and others, of Vicksburg, all delegates to the convention."

[2] He was again elected to the Senate again in 1845, soon after the adjournment of the Memphis Convention.

In Tennessee he had, perhaps, fewer admirers than in any other of the States. Jackson's sway had been absolute within its borders, and the memory of his quick determination to deal summarily with the nullifiers, in 1831, had only a few weeks before the assembling of the convention which had the "old hero's" sanction and good wishes, been revived by his death.[1] Yet Mr. Calhoun was received with tumultuous applause. The whole population turned out to greet him, and a delegation of the leading men and women went down the river on the steamer *Memphis* to meet and escort him to the city.[2] They met the steamer *Maria*, on which he had taken passage at New Orleans, about ten miles below President's Island, and the two vessels were at once lashed together, and in that way passed up the river in front of the city, amidst the cheers and shouts of the anxious and excited people, the waving of flags and the firing of cannon. The reception of the great Carolinian was like that usually accorded to a conquering hero. There was not the faintest trace of partisan enmity or feeling exhibited, and if there was any thought of it it died out before the swelling chorus of the accordant multitude. The city that Jackson founded, and which he fostered in every honorable way so long as he lived, had paid profound homage to the great nullifier with whom he had been at enmity since 1830,[3] and whose conduct, in a grave crisis in the life of the republic, had called forth the memorable toast by Jackson at a public dinner in New York: "The Union; it must and shall be preserved." Whigs and Democrats vied with each other in attentions to their special guest. Judge Henry G. Smith, even then a lawyer of well-deserved prominence,[4] called the con-

[1] General Jackson died on the 8th of June, 1845.

[2] Mr. H. S. Fulkerson: "We hove in sight of Memphis at sunrise on a beautiful morning. A fleet of steamboats had come down the river a short distance as an escort to our boat, with colors flying and drums beating, and filled with the reception committee and their guests, ladies and gentlemen; while the shore was lined for miles with interested spectators. Cannon was booming, and a band was playing, 'Hail to the Chief.' It was a proud day for the grand old man. I stood near him and watched him as he looked upon the scene. His emotion was quite visible, and he gave a feeling expression of his gratitude for the reception. The presidency would hardly have been more gratifying to him. And the scene was inspiring enough to make any man wish to be great. We landed, and Mr. Calhoun was immediately escorted to the point for the meeting of the convention."

[3] Mr. Crawford, of Georgia, placed before the president, in 1830, a letter from Calhoun to him [Crawford], written while the former was secretary of war, in which he suggested Jackson's punishment and disgrace for his "high-handed" proceedings in Florida, which Calhoun had publicly endorsed. For this "act of duplicity," in May of that year, President Jackson broke with Mr. Calhoun forever.

[4] Judge Smith was a native of Connecticut, whence he had emigrated to West Tennessee when it was still known as part of "the Western District" or "the Purchase." He was a Whig of conservative tendencies, and held high rank at the bar. Later, when civil war threatened, he became a Union man, and, though not active or aggressive, was identified with all legitimate and constitutional agitations for the restoration of the State government. Quick in all his movements and very active, giving an impression of restlessness, Judge Smith was, nevertheless, a deliberate and safe adviser. He never permitted his political views to obtrude

vention to order, and, after the usual preliminaries, Mr. Calhoun was elected permanent president and was escorted to the chair amid deafening applause. When silence had been restored he addressed the convention, speaking with distinctness and in a clear tone of voice, which, however, he could not maintain to the close of his speech, which was somewhat shortened by a huskiness, the result of vocal powers weakened by old age. His voice, never at any time musical, was nevertheless pleasant, and on this occasion, and until it became clouded, was very sympathetic and agreeable. He said he understood the convention had assembled for the purpose of promoting and fostering the resources of the South and West, and he conjured them to avoid in their deliberations all questions calculated to excite party feelings. He told them they could ask Congress to improve the Mississippi. "To do this," he said, "Congress has as undoubted a right as to protect and provide for the safety of our commerce on the ocean."[1] He urged gulf defences, and that the Federal government should be asked to relinquish all title to the public lands within the States to the States in which they are situated, and confer upon them the right to perfect titles thereto, the States to pay to the general government sixty-six and two-thirds per centum (or some certain portion) of the amount of sales. "The residue," he said, "would furnish an ample fund for purposes of improvement." He also recommended the levying and reclamation of the lowlands of the Mississippi Valley; the connecting of the valley of the St. Lawrence with that of the Mississippi, by the lakes and a canal from them, on the plea of its being "a link in the system of defences of the country" that should be perfected. He was opposed to asking the Federal government for aid to build a railroad from the Mississippi to the Atlantic, but warmly endorsed that work, and

between him and his friendships, and he retained these to the last, and through the very trying period of civil commotion and strife. He died suddenly on the last day of December, 1878, just as he had returned home from a public meeting, held at the Greenland Opera House, to discuss the sanitary future of Memphis.

[1] Mr. H. S. Fulkerson, recalling Mr. Calhoun's speech, says: "It had reference chiefly to the awakened spirit of enterprise growing out of the use of steam and the building of railroads (a business then in its infancy), and the power of the general government in reference to the improvement of our national highways of trade and commerce. It was well known to the members of the convention that he had opposed Mr. Clay's national system of 'Internal Improvements,' under his strict construction of the constitution, and great anxiety was therefore felt as to his views on river improvement, the promotion of which, by the general government, was one of the objects had in view by the convention. When he reached this topic the interest in his speech was intense. He met it with candor, alluded to his opposition to the scheme of Mr. Clay, but said that under the growth of the country and the increase of river commerce brought about by the use of steam, the Mississippi River was justly entitled to be regarded as a 'great inland sea,' and that its navigation could therefore be constitutionally improved by the general government. This declaration, since become a proverb in the mouths of the people, broke the spell of anxiety, and a great shout of satisfaction went up from the assembled multitude. It was the 'supreme moment' of the convention, and much relief was felt at the utterance of the great thought."

hoped the convention would urge it upon the Legislatures of the States more immediately interested. He considered this railroad of great importance to the North and South, but especially to the States through which it should pass. This address, which it will be seen, was, with the exception of Federal aid to the railroad, pretty closely confined to the programme, was well received, and an adjournment was had immediately upon its close. The convention was very harmonious during its session of three days, and the business was quickly disposed of, the States represented being Alabama, Arkansas, North and South Carolina, Indiana, Iowa, Illinois, Kentucky, Missouri, Mississippi, Tennessee,[1] and Virginia. The incidents of the convention, as the report reaches us by the newspapers of the day, were few and none of them of much importance. One of them indicates the patriotic feeling of the assemblage. A too zealous and local patriot introduced a resolution insisting "that a period had arrived in the history of the country that required the removal of the seat of government to some other place in the West." This was immediately and good-humoredly laughed out of the convention; it did not want that sort of capital. Major-General Gaines, of the United States Army,[2] who was then in command in Memphis, and was a notably zealous

[1] The names of the delegates from Memphis and Shelby county are: A. O. Harris, David Park, W. B. Morris, D. Fawcett, D. Hatch, F. E. Latham, C. Irwin, G. Frierson, W. F. Tannehill, W. D. Mayes, B. B. Blume, V. D. Barry, J. Delafield, C. Bias, W. Chase, J. Rose, A. B. Warford, Dr. Watkins, John Trigg, William Hyer. W. Connell, J. C. Cravins, Eugene Mageveny, F. M. Yerger, W. K. Poston, Dr. Gabbart, J. Abernathy, F. H. Cossitt, D. Morrison, S. Rossell, Colonel Joseph Watkins, Jessee Allen, J. C. Brinkley, A. R. Herron, E. Hickman, J. C. Lundy, Seth Wheatley, E. J. Shields, H. Van Pelt, E. Banks, G. L. Holmes, Charles Stewart, E. T. Davis, J. Petitt, S. Andrews, Durant Hatch, Judge King, J. J. Wright, M. Owen, Thomas Allen, S. Fowlkes, Wardlow Howard, M. Hart, J. K. Chester, G. Pattison, J. Maltby, Dr. Howcot, Wiley B. Miller, C. Titus, Barnet Graham, William Woods, J. Bailey, R. L. Kay, Joseph Allen, G. B. Locke, J. W. Fowler, A. B. Shaw, A. Gillis, Z. Joiner, L. C. Trezevant, Colonel Seawell, J. B. Holmes, S. Prescott, W. C. Dunlap, D. Looney, Jeptha Fowlkes, P. J. Gaines, H. G. Smith, R. Topp, H. H. Means, N. Anderson, Colonel John Pope, G, W. Smith, N. Watkins, M. Flowers, Tobias Wolf, T. S. Ayres, —— Kirk, Dr. Plunkett, W. Person, J. F. Hamlin, J. B. Rogers, W. B. Waldron, A. B. Carr, B. Kimbrough, Dr. D. Dunn, G. Buntyn, S. K. Key, J. D. White, T. Bettis, W. D. Dunn, Samuel Mosby, T. J. Turley, J. P. Trezevant, W. Armour, J. F. Farmington, Dr. Sappington, J. T. Trezevant, James E. Merriman, M. Gridley, Charles Lofland, Neil McCoul, Major Bostwick, Levi Prescott, L. Shanks, J. T. Leath, F. P. Stanton, Leroy Pope, E. H. Porter, S. Rembert, sr., J. J. Finley, W. Christian, J. H. McMahon, M. B. Winchester, J. D. White.

[2] When a lieutenant, stationed at Fort Stoddard, on the Tombigbee River, he arrested Aaron Burr, on a charge of treason, preliminary to his trial at Richmond, Va., before Chief Justice Marshall, where the wily conspirator was acquitted for the second time, the first trial taking place in Kentucky, where he was defended by the then young Henry Clay. Major-General E. P. Gaines established the headquarters of the western division of the army at Memphis in 1835. He was no stranger to the place. When a subaltern he had been stationed at Fort Adams, Chickasaw Bluffs, had campaigned under Jackson in Georgia and Alabama, and had served in all the forts above and below Memphis, so that he was thoroughly intelligent as to the value of its location and could realise its future. His interest in the progress of the

partisan, where the interests of the town were concerned, in a speech of some length, anticipated some of the railroad schemes that have been consummated since 1865, and urged the construction of the railroads from Nashville to New Orleans, from Mobile to New Orleans, from Savannah, Ga., to Mobile, from Charleston to Nashville, and on to Memphis, to be continued to Little Rock, Ark., thence to Fort Smith and on to Texas, to the Rio Grande, and thence by direct line with Memphis to California. "Not," said the gallant old soldier, "that I have any designs on California [at which the audience laughed meaningly and heartily], but because I desire the people of that country might know ours,"[1] as they came to do a year or two after. There were no long speeches indulged in, and the sessions were short, all resolutions, except the one laughed out of the house, being referred to a committee of one from each of the States represented; the chairman of which, Colonel Gadsden, of South Carolina, reported the series of resolutions that embodied the wishes of the convention and which were passed unanimously. They recommended (1) that communication between the Gulf of Mexico and the Atlantic be kept open, the necessary works to that end being constitutional; (2) that the government deepen the mouth of the Mississippi and keep it at all times navigable for large ships; (3) recommended the construction of a ship canal from the great lakes to the Mississippi; (4) favored building and equipping war steamers at the West; (5) recommended bouys and beacons for the Florida reefs and gulf coast; (6) recommended the leveeing of public low lands on the Mississippi and its tributaries; (7) recommended gulf and lake defences; (8) recommended to the Legislatures of the States represented the railroad from the Mississippi to the South Atlantic coast, and asked Congress for alternate sections of the public lands through which the road might pass; (9) recommended the appointment of a committee to address the people of the counties this road would traverse; (10) urged measures for expediting mails to the West; (11) favored the establishment of marine hospitals; (12) recommended the establishment of a national foundry and armory at the most convenient place in the West; (13) favored the improvement of the Mississippi opposite St. Louis; (14) recommended the establishment of dry docks at some point

town was very marked from the first, and whenever he could add the weight of his name to help that progress it was cheerfully given. He aided in securing the location of the military road from Hopefield to Little Rock, Ark., and later the establishment of an arsenal and navy and dock yard, and he was still later a strenuous advocate of the Charleston Railroad.

[1] General Victor Collot, of the French army, who visited the province of Louisiana in 1796 on a secret mission for his government, saw the advantages of this line from a strategic point of view. He pointed out in his report that the Arkansas and the Grands Osages are the keys of Mexico from the east, and that two columns of troops, the one concentrated in Illinois, opposite the Missouri River, and the other at the mouth of the Margot, in Tennessee, "the first ascending the Missouri and the Grands Osages, the second that of the Arkansas, they might both arrive within an interval of a very few days at the same given point (Santa Fe) as they would have about the same facilities in navigation and the same distance to run over."

on the gulf; (15) appointed committees to memorialise Congress and address the people of the States represented; (16) and favored the completion of the military road through the Mississippi Bottom, opposite Memphis. Every one of these sixteen recommendations fastened themselves upon the public mind, but it took years to accomplish some of them; others failed, and one or two are still being agitated. Reviewing them by the "light of subsequent events," we find that (1) no extraordinary steps were ever deemed necessary to keep communication open between the gulf and the Atlantic; (2) the mouth of the Mississippi was not deepened until 1874, when the great engineer, Captain Eads, of St. Louis, constructed the jetties, which secure an average depth of thirty-one feet, the work being paid for by the government; (3) the Hennepin Canal, constructed by the State of Illinois, is as much of connection as there is between the lakes and the Mississippi, and its enlargement by Congress is and has been for years a debated question, fruitful of the continued and strenuous opposition of the East; (4) only one war steamer (the *Allegheny)* has ever been constructed and fitted at the West, and it proved a complete failure; (5) bouys and beacons on the Florida reefs and gulf coast have been planted and put up, but there is still need for more of them; (6) the lowlands of the Mississippi and its tributaries have been and are being leveed by the States, all the political parties refusing to take the responsibility of putting such a work upon the national government; (7) gulf defences are still inadequate, and of lake defences there are none worth mentioning, except at Detroit; (8) Tennessee, but none other of the States, nor the Federal government, contributed any aid to the construction of the Charleston Railroad; (9) this was done, and very effectually; (10) this was a work of gradual accomplishment; (11) this also has been done, and on a scale that more than meets the demands of people employed upon water-craft; (12) this has never been begun; (13) this work was accomplished under the supervision of Captain, afterwards the great General, Robert E. Lee; (14) this was never accomplished; (15) this was done, the address being made, the starting point of the National and State Legislation above stated to have been accomplished; (16) the military road opposite Memphis was begun, but was never completed. It will thus be seen that the convention was not without fruits; that it was not barren of results. An imposing body, by reason of the national character of many of the delegates, it gave not only an impetus to railroad building, but to river improvement that is still felt throughout the Southwest, where, in recent years, General Gaines's suggestion of a railroad to the Pacific has been accomplished, but not his direct line from Memphis, for which, in 1856, Jefferson Davis, then secretary of war, ordered and had surveys made. But the greatest effect of the convention was its power in quickening the people of the town, which was fortunate in the number of men of ability and enterprise, that were then leaders in the varied activities of life. Mr. Calhoun left for New Orleans, on his re-

turn home, immediately after the convention adjourned, the people up to the last moment of his stay, women as well as men, vieing with each other in doing him honor. His presence had increased the dignity, influence and weight of the convention, which had been so adroitly managed, that nothing either sectional or partisan had been permitted to obtrude upon it; but, although Mr Calhoun had been careful in the wording of his address, capital was made of the fact that the chiefest of States Rights men and a declared opponent of internal improvements afterwards had presided over a body whose principal purpose was to find a short road to the national treasury for the construction of public work. All the preliminaries to the great scheme had been carefully planned and executed, the benefits to be immediately derived by Memphis being deemed sufficient to silence anything like dissent or disaffection by any of the prominent men. For the future good of the city, Whigs and Democrats were united, and the convention proved successful beyond the hopes of its projectors and promóters. After this, and notwithstanding the distractions of the Oregon question and the annexation of Texas, Memphis seems to have concentrated her attention, her influence and her means, small as they were, upon railroad construction, and with a rapidly increasing population she began to be recognised as one of the probably great cities of the future.

X.

GREAT interest was just at this time being taken in education. A college had been opened at Fort Pickering, and there was a bill before the Legislature for the establishment of a university and an allopathic and a botanical medical college. Influencing the latter, Dr. Buchanan, the discoverer of neurology, and who has since made psychometry a successful study, had been delivering lectures to very "appreciative audiences," demonstrating "not merely the connections of the different portions of the brain with the mental functions, but also their physiological relations to the various parts of the body." The death of General Jackson still monopolised a great deal of attention, and meetings were held in many States by public bodies and Legislatures, who availed themselves of their first time of meeting since his death, to express their sense of the nation's loss. On the 9th of December Major M. B. Winchester and Major-General P. G. Gaines, U. S. A., were appointed agents to receive subscriptions for the erection of a collossal equestrian statue of General Jackson at Washington, and steps were at the same time taken to erect a monument on the banks of the Mississippi in Memphis. A suggestion to this effect had previously been made by some citizens of Iowa at a meeting held in Iowa City, the resolutions passed at which had been published in the *Appeal* of the 12th of August, 1845. It was stated at this meeting that ground had been donated by John C. McLemore, the original proprietor of Fort Pickering,

and by him conveyed to Martin Van Buren and James K. Polk and others in trust, for the purpose of a monument to General Jackson; that Mr. Van Buren had accepted the trust, and Monument Square was designated on the plat of Fort Pickering, together with the objects of the reservation. "In the centre of this square," the preamble of the Iowans sets forth, "there is a mound, Chisca's, with an elevation of about twenty feet above the surface of the bluff and one hundred above the river. It is level on the top and measures eighty feet north and south and forty feet east and west." And they deemed "this selection appropriate, and that if a monument should ever be raised to hallow the patriotism and bravery of Andrew Jackson, this is the place, above all others, for its erection. It is in Tennessee, the theatre of his renown, where he led his gallant countrymen first to victory and glory—in the State where rest his honored remains—in the Chickasaw cession, which he was mainly instrumental in obtaining, and upon the banks of the father of waters at the head of ship navigation, where every boatman and sailor as he passes to and fro from the ocean will be reminded of the gallant 'Old Hickory' chief, who was foremost in the fight for liberty, free trade and sailors' rights." But all these noble resolves went for nothing. Monument Square had been blotted out by the failure of the Fort Pickering scheme and the mound had passed into private hands. Jackson was not to have a monument in Memphis until 1859, and then it was to be a mere bust, a meagre and shabby recognition of the inestimable services as soldier and civilian of the once popular idol, the man who is still held in reverend respect by the people. Texas was admitted to the Union in the closing days of the year, and United States troops were put in preparation to move to the Rio Grande, where General Zach. Taylor afterwards distinguished himself. Congress also took decided grounds upon the Oregon boundary question, and war with Mexico or England, or both, was discussed as near possibilities, and either as probable. In all of this the people of Memphis were very much interested, especially in the new State of Texas, which they were still prepared to help "defend and protect" at a moment's notice. Another thing they were interested in was Whitney's proposition to Congress to build a road from the Atlantic to the Pacific Ocean, the government to grant thirty miles of land on each side of the road. This gigantic scheme, which included in territory more than the limits of any of the then existing empires of Europe, save that of Russia, was to have been brought before the Western and Southwestern Convention, but Mr. Whitney did not arrive in Memphis until after it had adjourned. On the 27th of November the town was in some degree consternated by the extensive and destructive fires in West Kentucky, Arkansas and West Tennessee. They prevented travel, and sweeping fences and houses and barns away in the track of their resistless progress brought great distress, especially to the poorer classes of the settlers. This affected the trade of the town to some extent, which,

however, lost nothing of its volume. The natural increase more than made up for the losses by this disaster. On the last day of the year the *Appeal* became more than usually anxious about the Wolf River Canal project, and asks the mayor and aldermen why they did not build it, but no response was made. It predicted the direst consequences to the town in loss of trade if it was not built, but the cotton receipts, which in 1826 were only three hundred bales, and in 1836 had grown to fifty thousand, were this year over one hundred thousand bales, and the town had increased in population to upwards of three thousand from the seventeen hundred of 1840. "Cotton was making Memphis."[1] At this time, too, the press, a safe indication of general prosperity, had become a great power. Besides the *Appeal*, edited by the patriotic Van Pelt, there was the *Enquirer*, edited by J. H. McMahon, a man of unusual ability as a writer, and an ardent Whig; also the *Eagle*, another Whig paper, that was constantly measuring swords with the *Appeal*. Besides these there was a literary weekly, published by Tannehill, the bookseller. Very few papers in the West surpassed those of Memphis at this time. They were models of the art of printing, and were conducted by men whose enterprise was far beyond even that of the population. J. J. Finley was mayor of Memphis in 1846, when the population, by a town census, was declared to be 3,500. No change had taken place in the charter except one; by an act passed January 24, of that year, which provided that in future the town constable should be elected by the people at the same time and under the same conditions as aldermen were elected. The Mississippi and Tennessee Railroad Company was chartered. Henry Clay, who had by this time fully learned who James K. Polk was, and had as much as was possible to so ambitious a man recovered from his defeat for the presidency in 1844, which was generally believed to be the sorest disappointment of his life, *en route* to New Orleans stopped for an hour or two at the landing. A great statesman and a great

[1] The consumption of cotton, which is a plant indigenous to the "country bordering on the Mississippi," as early explorers found (see American Encyclopedia), had grown with remarkable rapidity, and the demand for it stimulated the planters of the South. Whitney's gin[1] and Arkwright's invention were the causes of this extraordinary consumption. In 1800 the amount consumed was 51,000,000 pounds; in 1820 it was 150,000,000; in 1850 it was 588,200,000 pounds. The Southern States were thus hurried into one-crop-culture, and it thrived and prospered by it. It was a vain thing, therefore, for the *Appeal* to inveigh against it. Self-interest prevailed.

[1] The following letter appears in the *Century Magazine* for March of 1887, as the editor says, "from the son of the inventor of the cotton-gin, stating the claims of his father's memory to the gratitude of the South, hitherto apparently unfelt, certainly unrecognised":

"NEW HAVEN, CONN., DEC. 4, 1886.

" . . . He died January 25th, 1825. The cotton-gin was invented in 1793; and though it has been in use for nearly one hundred years, it is virtually unimproved. Hence the great merit of the original invention It has made the South commercially and financially It has made England rich, and changed the commerce of the world. Lord Macaulay said of Eli Whitney: 'What Peter the Great did to make Russia dominant, Eli Whitney's invention of the cotton-gin has more than equalled in its relation to the power and progress of the United States.' He has been the greatest benefactor of the South; but it never has, to my knowledge, acknowledged his benefaction in a public manner to the extent it deserves — no monument has been erected to his memory, no city or town named after him, though the force of his genius has caused many towns and cities to rise and flourish in the South.

"Yours very truly, E. W. WHITNEY."

orator, he was held in enthusiastic admiration by Whigs everywhere, those in Memphis being ardent supporters of "the great commoner," as he was called, and they gave him a hearty greeting and a most hospitable invitation "to stay over a day or two," but he was compelled to go on, and they were "obliged to be content" with a public reception on board the steamer, and another at ex-Mayor Wheatley's.[1] The Whigs embraced a great deal of the culture and intelligence of Memphis, which at this time, in proportion to population, was equal to that of other towns in the State. Mr. Clay consequently met only "the best people," and was "much impressed." He was not then in the public service, having resigned from the Senate in 1842 with a view to retiring forever from public life, and was only induced again "to come before the people" by the Whig nomination for the presidency. He was on his way to New Orleans, where he had been invited by the Whig merchants, and where he delivered one of the greatest speeches of his life. Elected to the Senate in 1848, he died in Washington on the 20th of June, 1852. "As a leader in a deliberative assembly," said a political opponent in the Senate, "Mr. Clay had no equal in America. In him intellect, person, reason, eloquence and courage united to form a character fit to command. He fired with his own enthusiam, and controlled, by his amazing will, individuals and masses." South Memphis, which was merely a town in name until January, 1846, when the act of incorporation, which had passed the Legislature the year before (on the 6th of January, 1845), went into effect, comes now into prominence. The preamble of that act sets forth that "it is found by experience that the good order, health, peace and safety of growing towns cannot be preserved; nor the evils or accidents to which they are subject avoided or remedied without an internal power, competent to establish a police and regulations fitted to their particular circumstances, wants and exigencies;" therefore, "the town of South Memphis, in the county of Shelby, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the mayor and aldermen of South Memphis," and so on. All the powers conferred on Nashville at various periods were conferred on this corporation, save that to issue bonds or scrip to run for a period longer than one year. This was denied in express and explicit terms, and that such scrip or bonds should not exceed in amount the net annual and ordinary revenues of the town; "nor shall they [the board of mayor and aldermen] have any power to renew said bonds thus issued." The town was to be laid off in wards, and a registry of voters was to be made in order to prevent frauds, and no citizen was to be permitted to vote save in the ward where he lived, nor unless he was registered. Section

[1] Mr. Seth Wheatley, who was a staunch Whig and who, it will be remembered, was mayor of Memphis during the fifth corporate year, issued cards of invitation to a large company of distinguished people "to drink a glass of wine with Mr. Clay," and the great Whig leader was, for a brief hour or two, the centre of an admiring gathering of many of the "best and bravest" of Memphis, who toasted him as their hero.

ten amended section five so as to extend the boundaries of South Memphis, that it might embrace and include the town of Fort Pickering "and the inhabitants thereof." This made Jackson street, Fort Pickering, the southern boundary of South Memphis, and La Rosa street the eastern boundary. The Overton tract was exempt from town taxes until it was divided into town lots, "then only as much thereof as shall be laid off into lots." This was an exemption that was unconstitutional and unfair. Whatever benefits were to come as a result of the growth of the town this Overton tract was to share, and ultimately to be enhanced by; it should, therefore, have been assessed to bear its equal share of the burdens. The constitution, as amended in 1834, was then the organic law of the State, and Section 28 of Article XI provided that "*all* property shall be taxed according to its value; that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be *equal and uniform* throughout the State. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value." In the face of these plain provisions, by which the founders of the State sought to prevent the favoritism that, in Europe, was the curse of oppressed communities, the charter was accepted, and the town of South Memphis became a fact as well as a name. Judge Sylvester Bailey was elected mayor, and A. B. Shaw, H. H. Means, George W. Davis, W. Howard, J. E. Merriman, John Brown, J. P. Keiser, and James Kennedy, aldermen. Judge Bailey, to the last hour of its existence as a corporation, contended for it, and was opposed to uniting it with Memphis. He was full of the spirit and purpose of opposition that animated his constituency towards the "Old Town," as it had come to be called, and was bitter and implacable.[1] He was the leader of an opposition that could not be silenced; of a few who were tenacious of their opinions, were full of their purpose and were dominated by their prejudices. They were men of influence, who were set in their determination and willing to sink everything in an effort to maintain the supremacy, as they believed, of South Memphis over Memphis. Any suggestion of union was almost as an insult, and they could scarcely yield to an impulse of neighborly desire and give countenance to the propositions then current and contemplate the sinking of their identity in that of the opposing corporation. But this did not hurt Memphis, which was fast taking on the airs of a city and was preparing to compete with cities, having distanced all the competing towns.

[1] The *Enquirer* for August 13, 1846, contains an advertisement signed by Robertson Topp, Nath. Anderson and W. L. Vance, trustees, offering 400 lots in South Memphis for sale on credits of twelve, twenty-four and thirty months, the purchasers to give good endorsements on the first notes and a lien on the property until final payment. The advertisers, to encourage purchasers, say: "It is almost useless to repeat the general opinion in regard to the continued increase of Memphis. Its local advantages are undoubted. Its position between the two northern and southern great cities and its accessibility at all seasons of the year, insure the purchasers of property in the city or vicinity a handsome return for any investment,"

She had a theatre, under the management of J. B. Gilbert, was visited regularly every winter by Spaulding's circus, had a concert hall, a well-appointed public hospital, two medical colleges, and was, in March, to lay the foundations of the "university of the city of Memphis," the charter for which was received on the 15th of January. Some time previously, a large building erected in Fort Pickering, for hotel purposes, had been procured and put in order for the school of arts. Many pupils had been registered. Thus a fair beginning was made, and there was reason to hope that the Rev. B. F. Farnsworth, the president, sustained by boards of trustees and supervisors and a strong faculty,[1] in the schools of art, medicine and law, would build up a successful institution and one that in time would fill all the requirements of a university. Mr. Farnsworth had had great experience as a teacher. For many years he was president of one of the most successful academies in New Hampshire, and was noted for his scholarly attainments, his love of learning and his faculty for imparting knowledge. He had been induced to "come West" by the offer of what he was led to believe was a flourishing academy in Kentucky; but it did not prove to be what he had expected, and he came to Tennessee

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Medicine—P. H. Lewis, M. D., Prof. General and Special Anatomy; Wm. M. Boling, M. D., Prof. Theory and Practice of Surgery; Lewis Shanks, M. D., Prof. Principles and Practice of Medicine; John R. Frayser, M. D., Prof. Obstetrics and Diseases of Women and Children; Howell R. Robard, M. D., Prof. Physiology and Pathological Anatomy; Solon Borland, M. D., Prof. Materia Medica and Medical Jurisprudence; Samuel L. Slack, A. M., Prof. Chemistry and Pharmacy.

Law—Hon. F. P. Stanton, Prof. of Constitutional Law and National Law—including the Conflict of Laws, or International Law; Henry G. Smith, Prof. of Commercial Law and Principles and Practice of Equity; Hon. V. D. Barry, Prof. of Common Law—including Pleading, Evidence and Contracts.

and finally settled in Memphis, to which place he removed his large and costly library, a chemical apparatus, that was for a time among the most complete in the Southwest, and a natural history collection that was then considered one of the most complete in the United States. With such a president, with a commodious and admirably situated building and an excellent faculty, the outlook was most promising for the university, which gave dignity to the town and fresh encouragement to the people. The times seemed propitious. "Everything conspired to give assurance of a great future." The barque *Marietta*, of Marietta, O., and bound for Boston, arrived on the 21st of March, as if to confirm the doubtful that ships could be built at the West and justify Congress in the location of the navy yard then under construction. This was the second venture of the kind. Just a year before the barque *Muskingum*, from Cincinnati, had passed down on her way to Liverpool, and had made the passage to that city in forty-seven days. Jubilant over these enterprises the *Appeal* exclaims, "What can retard the great West in her rapid strides to empire?" The memory of General Jackson was yet warm, and the monument to perpetuate his fame was one of the agitated questions of the day. Prompted thereto, no doubt, by the public meetings that had been held in different parts of the country, at Washington, among other places, the Legislature passed an act providing for the erection of a monument to him, at Memphis, and one to Washington, at Nashville, and an appropriation of $15,000 for that purpose was made; and it was provided in a supplementary act that the names of the soldiers who had fallen or were wounded on the 8th of January, at New Orleans, should be inscribed upon it. Under this act first steps were taken by the commissioners, and there was reasonable promise that in the city he had founded Jackson would be appropriately and worthily represented. But it was soon forgotten. On the 24th of April, 1846, the declaration of war by Mexico with the United States, was published, and Memphis was, in a few days, the centre of intense excitement. "The people were ablaze." The war with Mexico became the all-absorbing topic;[1] the Democrats being especially ardent in support of the administration and of a vigorous prosecution of it, "if necessary, with the whole power of the Federal government." The Whigs, on the other hand, were divided, some being for a willing and cheerful support of the government on the theory of "Our government, right or wrong;" while others took the same ground as Mr. Clay and the fewest numbers, those inclined to abolitionism especially being opposed to it because it was a war in the interest of slavery. The *Appeal*, in an editorial in its issue of May 9, states the Democratic view fairly and concisely: "The United States, and nearly every other civilised nation, having recognised the independence of Texas, we had a right to annex her. In doing this we had a right to claim all

[1] It was so much so that the papers did not devote more than two lines to a shock of earthquake on the 7th of May.

the territory that we had claimed as Texas before her cession to Spain, and which Texas has claimed since her declaration of independence. This extends to the Rio Grande del Norte, and up to that point we certainly had a right to advance our troops for the protection of the persons and property of our citizens. . . . Under all the circumstances it was not only our right but an imperative duty so to do." This was the conviction of a majority of the people of Memphis who, where Texas was concerned, were not disposed to be guided in what they did by the hair-splitting theories of rights and duties presented by the Whigs. They held public meetings "without regard to party," adopted resolutions justifying the war, and took steps towards the formation of volunteer companies in anticipation of a call by the president upon the State for her quota of volunteers. They were determined to maintain the military renown of the "volunteer State." Every day had its special duty of agitation in support of the war, and every item of news that could be had from General Taylor's little army was promptly presented as an additional stimulus in that direction. The affair at Point Isabel, on the 4th of May, was greatly magnified, but it had the desired effect. Beside four companies of Americans, the Irish and German citizens organised companies ready for any opportunity of call that might come. The "Jackson Greens" was the name of the Irish company, commanded by Captain Dunne; the "Gaines Guards" were commanded by Captain M. B. Cook; the "Memphis Guards" were commanded by Captain E. F. Ruth; Porter's company was commanded by Captain W. W. Porter; Finley's company by Captain Finley, besides which there was a German company. On the 23d of May the very sensational news is published that 15,000 Mexicans are on their way to the Rio Grande, and that General Taylor had been victorious again in the second day's battle. The patriotic preacher, Mr. Hyer, of the Methodist Church, invited all the volunteer companies, including Barry's partly formed company of dragoons, to attend services at his church on the 24th. The ladies had already presented two of these companies with beautiful flags; the Jackson Greens, by Miss Catharine St. Ledger, and the Gaines Guards by Miss Sarah Anderson. The poets, also, were enlisted in the patriotic work. The papers published several songs to popular airs like "Lucy Neal" and "Old Dan Tucker." The *Appeal*, which had conquered its distrust of General Taylor because he was a Whig, hoped it is not true that General Scott is to take command of the troops in Mexico. "Tennessee, at least," it says, "does not want him there." Political prejudice warped its judgment, and it could not realise that in defence of the nation all Americans were equally to be trusted; that there should not be any room at the same time for partisanship and patriotism with any man worthy to be an American. On the 26th the steamer *Diana* passed the city, on its way to New Orleans, with six hundred Kentucky volunteers, and on the 27th the steamer *Alex. Scott*, with seven hundred more; whereat the papers

exclaim, "Huzzah for old Kentuck!" The requisition of the war department on Governor Aaron V. Brown for 2,400 men, is published. Nothing is heard of but Mexico, the Mexicans and the war. The governor makes proclamation on the 24th, and apportions the call, the Fourth Military Division of the State (the Western District or Purchase) being called upon to furnish only four companies of infantry and two companies of cavalry. Memphis had already raised more than this number and was equipping and getting them ready to go to the defence of their fellow-citizens of the once Republic of Texas.[1] Park Benjamin's "call to arms" was published as a ringing appeal to patriots everywhere, "from North to South, from East to West." By June 2d most of the Tennessee quota had been mustered in, and on the same day the cheering news of the capture of Matamoras was published. But the Memphis press was in a patriotic fume for fear that a recent order of the secretary of war would compel the recall of some of the Tennessee companies already on their way to the Rio Grande. The Memphis Rifle Guards, the Gaines Guards, the Avengers and the Carroll County Guards embarked on the 10th of June for the seat of war on the steamer *Brownsville*. A break in the daily routine of war news and military preparation was made by the newspapers to give an account of the laying of the corner stone of the Second Presbyterian church, by the members of Memphis Lodge No. 91, F. A. M., and a few of the brothers of South Memphis Lodge and Raleigh Lodges. The Masonic ceremonies were conducted by P. G. M. James Penn; the religious services by the Rev. Mr. Chamberlain. After the imposing ceremonies the procession was escorted to the first Presbyterian Church by Captains Porter and Lenows' companies of cavalry, who were waiting orders and very impatiently, as troops from Ohio, Indiana, Illinois, Missouri and Kentucky were passing down the Mississippi for New Orleans, on their way to the front. On the 4th of July there was a grand dinner at the Vauxhall Gardens, at which Colonel Nat. Anderson presided, supported by Major James Penn as vice-president. All the toasts, and there more than twenty regular and volunteer, were intensely patriotic in view of the Mexican War and the Oregon dispute. The day was also celebrated at Camp Carroll, by addresses, one of which was for temperance. The Giles County Troopers, the Fayette Cavalry, the Irish Greens and the Eagle Guards were present. General Wool was in the city, *en route* to Mexico, and the papers of the 9th published official reports of the battles of Palo Alto and Resaca de la Palma. But the patriotic ardor thus excited was somewhat dampened by the announcement that the president had ordered a court-martial "for the trial of General Gaines on charges growing out of his

[1] Captain Joseph Lenon, now and for many years a resident of Memphis, then (1846) a citizen of Fayette county, through the *Appeal* of May 19, tells the people that his company "the Fayette Cavalry," seventy-two strong, was well uniformed, armed and disciplined, and he promises, very heroically; "We will plant the beautiful flag, presented to us by the ladies, on the banks of the Rio Grande, and unfurl its heaven-tinted colors to the view of the enemy."

recent movements in the South."[1] General Gaines, then in command at New Orleans, was still the popular idol of Memphis. He was regarded by many as a greater soldier than General Scott, and was believed to be the man to whom the command of the American armies should have been given. This was the opinion of all the Democrats and more than half the Whigs of the town. The report of Mr. Calhoun to the Senate upon the memorial of the Memphis Commercial Convention in July, published by the newspapers, was the occasion of a great deal of congratulation. It set forth the necessity for the improvement of the Mississippi and its principal tributaries, and argued for its constitutionality; the construction of a ship canal he did not think was in the power of Congress, but he recommended the donation of alternate sections of public land to aid in the construction of roads and canals, and the reduction or abolition of the entire duty on iron. This was almost the plan subsequently adopted by the government to secure—1862–65—the construction of the Union and Central Pacific Railroads. They received alternate sections of land, the government becoming responsible for the interest on a certain amount of their bonded indebtedness. Memphis was satisfied with this report, and while a few were keeping the Wolf River Canal project alive, the majority were beginning to build more largely on a trans-continental road. General Gaines had originated the idea, and now that there was war with Mexico, "the people, almost to a man," began to regard it as feasible, although they pictured it as "the grandest project man had ever conceived or dreamed of." They were almost a unit on a railroad to the Pacific, but the canal was still the subject of a controversy that was beginning to be bitter. The *Appeal*, in many long articles, continued to urge it as the first essential in the encouragement of manufactures, and of the farmers to turn their attention from "the everlasting cotton" to variety in crop production. But the *Eagle*, although as a Whig paper it was committed to public improvements, opposed it on the sweeping plea that it was unnecessary and would be useless. The board of mayor and aldermen, moved thereto by the arguments of the Democratic papers, in August revived the scheme and proposed to begin the work of construction. "With it," exclaims the *Appeal*, "our town must become the Manchester of the Southwest; without it, she can expect to be, at best, but the back port of Charleston." Contradictory of this prediction, on the 17th of September a very encouraging census of the city was published. It was taken by Mr. Joseph Wright, and showed the total population of the five wards to be 4,562, added to which there was the population of South Memphis, 2,177; and of the suburbs—North Chelsea, Canal Basin, Scattersburg, Lewisburg, Unity and Bloomingdale—1,043, making a grand total of 7,782. "The fall influx," Mr. Wright says,

[1] Charges of mustering in and assigning troops in advance, the government thought, of its necessities. But the gallant old soldier was fortified by an order from the secretary of war to General Taylor, empowering him to call on the States nearest to him for volunteers.

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"may be estimated at an addition of one-fourth, making a population of 9,227 residing in the city nine months out of every twelve." The army, the war, and the capitulation of Monterey, where Colonel Jeff. Davis and his Mississippians were so conspicuous, shares the public interest with slavery, and the tariff bill, which had passed in July, and the medical college and the botanic medical college, which were opened on the 2d of November, when introductory lectures were delivered. This last event marked an era in the educational progress of Memphis. The *Daily Evening Monitor* made its appearance on the 8th, and the fall races over the central course were inaugurated on the 9th. "The cracks of Kentucky, Tennessee and Missouri were on the ground, numbering in all forty high-mettled racers." On the 17th of December President Polk's message was printed. In this he recited the history of the events leading up to the war with Mexico and its progress, which so far had been an all-conquering one for the United States. He also discussed the tariff question at length, and suggested the establishment of a territorial government for Oregon. Of course the Democrats sustained it "as a gloriously patriotic document," and were enthusiastic over its tone, so decisive as to the prosecution of the war and fairly vindicatory of our dealings with Mexico, and clearly constitutional as to the tariff. Since Jackson forced the Spaniards out of Florida, Memphis had not been so stirred as by this message. The successful prosecution of the war meant the acquisition of territory, and probably a railroad from the Chickasaw Bluffs, along the thirty-fifth parallel, to the Pacific.

XI.

ON the 5th of January, 1847, announcement was made of the election of Colonel John Timothy Trezevant[1] to be mayor of South Memphis. One of its most public-spirited and intelligent citizens, he was outspoken in advocacy of the union of the two towns, believing, as was plainly evident, that the interests of Memphis and South Memphis were identical, and that division and

[1] Colonel Trezevant, who died on the —— of May, 1887, was for half a century a notable figure in Memphis. He was born in Southampton county, Va., on the 8th of October, 1814, and was, at the time of his demise, in his seventy-third year. His father, Dr. John Trezevant, was a surgeon of the Continental line in the American Revolution. The son removed to Memphis in 1835, where, for a time, he taught a school, meantime preparing himself for practice as a lawyer, and was soon admitted to the bar, where he took rank with the leading lawyers of his time. His mind seemed fitted for great undertakings, and he soon found himself at the head of movements, and giving them shape and direction, which were the foundations of the prosperity of Memphis. In connection with the late Robertson Topp and Colonel Samuel Tate, who is the sole survivor of the trio, it is conceded that his brain and pen accomplished the great works for Memphis, the evidences of which we see and daily enjoy in the several lines of trunk railway centering here. His life was unselfishly and singularly devoted to the advancement of the city and the prosperity of its people. His monument is the commercial greatness of Memphis.

separation meant injury to the interests of the people of both, and loss. On the 26th the report of a meeting of the board of mayor and alderman revealed the fact that bids had been received for the construction of the Wolf River Canal from five contractors, the lowest bid being Rice's, $104,000, to be paid in bonds. None of these bids was accepted. A resolution, offered by Mr. Hughes, which was carried by a vote of five to three, provided for a committee with power to contract for the construction of the Wolf River Canal with any of the contractors who had sent in bids, giving preference to the lowest bidder, who was to give bonds for the execution of the work in the sum of $150,000. But on the 2d of February a protest, signed by the wealthiest and most influential tax-payers, was published in the city papers, warning all concerned that they would resist the payment of a tax for this canal, "because it would bring debt and ruin upon the city *as a useless* and expensive work," and additionally, "because it was beyond the jurisdiction of the corporation." Ex-Mayor Seth Wheatley was among the signers of this protest, and he added that he "objected and protested for the reasons stated, and also because the corporation had no legal power to appropriate money for the purposes specified." Judge Henry G. Smith added over his signature that he "concurs in this so far as that he thinks it unwise, wasteful and probably ruinous for the corporation to engage in the undertaking." The *Appeal* was as melancholy over this fatal blow at its pet scheme as the *Eagle*, which had opposed it, was jubilant. "These gentlemen," the *Appeal* said, "are no doubt the best judges of their own interests, so far as they are involved in the general improvement and prosperity of the city, and they may be right in the mode adopted to mark their disapprobation of the proposed work; but we humbly conceive that an equally efficacious way might have been found for it, without inflicting a blow upon the city credit, which must inevitably be the case, to some extent, by the course they have thought proper to adopt." The canal was doomed. But there was some consolation found for this in the prosecution of the work on the navy yard, for which Congress had made an appropriation of $102,000 on the 29th of January. Subscriptions were at this time taken up at meetings held at the hotels for the destitute and starving people of Ireland. Much zeal was manifested, and as much as $1,500 was collected. The charitable work was continued by the churches and through committees appointed to canvass each ward, and the *Appeal* said, in its issue of February 25th, "that from all it can gather from exchanges and other sources, Memphis, in proportion to her population, is going greatly ahead of any other community in extending relief to the starving natives of Ireland. This is greatly to the credit of her generous and noble-hearted citizens." Troops were still being raised for service in Mexico, and the papers pointed with pride to Major Nat. Anderson, who had volunteered for the war, notwithstanding he had three sons in the service, "all who are old enough." Mayor Hickman, who was within a few

days of the end of his fourth term, published a letter in the newspapers of March 4th, in which he declared himself "in favor of the construction" of the Wolf River Canal, "believing that the property not only of Memphis, but of an extensive range of contiguous country, would be greatly benefited by it." He did not "believe its construction would produce the serious evils in the way of increase of taxes and prostration of public credit, anticipated by some of my fellow-citizens," still he preferred that "the work be undertaken by a joint-stock company, the corporation taking a certain amount of stock, and retaining certain rights and privileges, among others the free use of water for the city." He also remarked, "that the entire right of way for the proposed canal has not yet been secured; that no corporation bonds had been issued, neither can they be issued until the expiration of one month after the commencement of the work." On the 9th of March the returns of the municipal election were published. Enoch Banks was elected to succeed Mr. Hickman, a result, it was hoped by the press, that "may lead to more attention being paid to general and less to sectional interests." The resolution, introduced by Mr. Calhoun in the Federal Senate about this time, anticipatory of questions afterwards to excite a violent sectional agitation, furnished occasion for much rejoicing by the Democrats of Memphis. They are worthy of a place here, as the key to much that is to follow of national affairs, having a direct bearing upon the interests of Memphis, as they were involved in those of the surrounding country. They declared (1) that the Territories of the United States belong to the several States in their joint capacity as their common property; (2) that Congress has no right to pass any law to impair the equal right of all the States in such Territories; (3) that the enactment of such a law, depriving the citizens of any State from enforcing and occupying with property any of the territories of the United States, would be a violation of the constitution; (4) that it would be a violation of the constitution to impose the obligation of anti-slavery upon any Territory applying for admission as a State into this Union. No set of resolutions ever introduced in Congress were more logically correct, according to the constitution of the United States; none ever conceived bore so heavy a burden of tumult, confusion, civil commotion and ultimate civil war; no other similar number of words were ever so laden with horrors to come. They were more portentous than the Kentucky resolutions of 1798, which defined the strict construction view at that time of the relative powers of the State and Federal governments. But Mr. Calhoun was constitutionally correct. Slaves were property, as such were recognised by the Federal constitution, and the owner was therefore entitled to protection for it. These resolutions, following the lines upon which the Southern and Northern States compromised for the sake of their mutual interests in the making of the Federal constitution, were justified by the attitude of the South as to slavery and the rights of the slave-owner in the Territories that were the

common property of the Union. It was not for Congress to make laws on one side or the other of this question, and the Missouri Compromise was clearly an unconstitutional, as it was an unjust, bargain made in the name of the sections. Before the constitution was adopted, citizens moved to the West with their slaves without let or hindrance. Why now should they be prohibited? The constitution had not impaired them of any of their rights, and it was for each individual to say and decide for himself and for his property, and take his chances for or against slavery, in the formation of a Territory or a State. This was the logic of the constitution, the solemn covenant and agreement between the people, the sacred bond of Union. Mr. Calhoun was right. But there was an opposing faction, who also believed they were right. Many of these were already appealing to the higher law, the reserved rights of the people, and were urgent that the Federal government should release itself from all obligation to the "slave power." The irrepressible conflict had set in, and farther compromise was by many deemed impossible, and by the majority at the South was regarded as unnecessary. These resolutions of Calhoun's, so full and fair, a statement of the southern view of the citizens' rights in the Territories, made reconciliation with those who rejected them impossible. The free-soil Democrats had already organised under the leadership of ex-President Martin Van Buren, and although held in contempt by the extreme Abolitionists, they were ultimately to be the means of enforcing their decree for the unconditional emancipation of the slave. Few in numbers, but animated by the prophetic predictions of Jefferson and others of the statesmen of Virginia, these intelligent and self-denying zealous men and women were making the abolition of slavery the serious business of their lives. Christianity, in its first contentions with Pagan Rome, had no humbler or more uncertain beginning, but faith in purpose has always in the world's history proven to be an impelling, as well as sometimes an accreting, and eventually an overwhelming force. Calhoun's resolutions were not allowed to pass in Congress without protest. From the pro-slavery Democratic side of the Senate, Mr. Benton, in a speech remarkable at least for its clearness of statement, arraigned Mr. Calhoun as the author of the war with Mexico, beginning with his surrender of Texas in 1819, when he was secretary of state in Mr. Monroe's cabinet. He said: "Mr. Calhoun is more wrong now than ever, in that string of resolutions which he has laid upon the table. As Sylla saw in the young Cæsar many Mariuses, so do I see in them many nullifications." Prophetic words; but the people had no time to consider them. The glamour of war for the time shut out their portent. The victories of Saltillo, of Monterey and Buena Vista were, in the last days of March, monopolising attention. Yet the papers, as the mouth-pieces of the politicians, took time to note that "slavery has become the most important question connected with our internal affairs." The Democratic Convention, which met at Nashville on the 1st of April, re-nomi-

nated Aaron V. Brown for governor, but notwithstanding his popularity, and perhaps because he was pitted against Neil S. Brown, the *Orthopolitan* "opines" "that the coming contest will be a vigorous and hard one." And it was, but not unusually so. On the 3d news of the fall of Vera Cruz was published amid general rejoicing. The *Eagle*, on the 14th, nominated the victorious and invincible Zach. Taylor for president, but in this it had been anticipated by General Neil S. Brown, who, on the 3d in a speech at Nashville, called the people to witness that he was the first to put "Old Rough and Ready" in nomination for the presidency in 1848. The establishment of a public library for the people of the town was again being discussed. "'Tis true," says the *Appeal*, "we are feeding Ireland, whipping the Mexicans, electing a governor, and doing a thriving business at that; still we can well spare the time and means to get up a good public library." Worthy of note is an earnest appeal made on the 8th of August in behalf of the wives and children of the Mormons encamped at the head-waters of the Des Moines River, who were there awaiting in a starving condition the return of their husbands and fathers, who, "despite the many wrongs they had suffered from the hands of men claiming but to disgrace the name of American citizens, had no sooner heard the tocsin of war, than true to their instinct as Americans, a battalion of volunteers was promptly organised and received into the service of the country."[1] "The circumstances of these people call loudly upon the humane and generous of all classes of opinions, in the name of charity and our common God, to contribute their mite for the relief of these, however deluded, unfortunate and suffering people." The Wilmot Proviso was at this time another aggravation of the growing sectionalism. It was regarded as a menace to the peace of the country and a step toward the dissolution of the Union. Tom Corwin and Joshua Giddings were denounced as abolitionists encouraged by the southern Whigs, some of whom made haste to repudiate them. The debt of Memphis, which on the 1st of September was $80,000, occasioned some fear, but assurances were given that no bonds have been issued for the construction of the Wolf River Canal. There was a general and decided opposition to a public debt and serious hopes were expressed that it would not be increased. The register's books show that the bonds issued by the mayor, Banks, the first there is any record of, were irregularly numbered. The first issues for cash were dated July 1, 1847, and they were numbered from 11 to 23. These were followed in rapid succession by bonds numbered 24 to 41, both inclusive, for grading Centre landing; these by numbers 57 to 61, both inclusive, for the medical college; then by numbers 62 to 97, both inclusive, for grading and gravelling; then by numbers 106 to 115, both inclusive, for cash; and then by numbers 117 to 126, both inclusive, for Exchange building. Making a total of $92,000 issued by Mr. Banks. The bonds for the Exchange building were issued to Mr. William

[1] The *Appeal*.

A. Bickford, who, thus aided by the council, erected a block by that name, extending from Poplar to Exchange streets, on what on the original plat of Memphis was marked Exchange Square. This building embraced a city hall, court rooms, a council chamber, mayor's office, and a hall for the medical college. Neil S. Brown, the Whig candidate, was elected governor, defeating Aaron V. Brown of a re-election by 1,015 votes. An earnest appeal was made September 4 for the university, the first year of which was declared by the trustees to have been "peculiarly favorable to its prosperity." The construction of a line of telegraph to New Orleans provoked the prediction by the press that this was the one thing needed to bind all parts of the Union together, and they glory in the fact that an American first applied steam to the propelling of boats, an American invented the cotton gin, and an American invented the magnetic telegraph. The papers began at this time to publish the New York despatches to the Cincinnati papers, the foreign news reaching them in that way in twenty-two days. This was of great importance, especially to dealers in cotton, and helped to increase the importance of the Memphis market. Some money was expended on the ward schools, and there was some clamor on account of the removal of Shaw's wharf-boat, which was declared to be essential to the commercial life of the town. On the 24th Mr. James Seawall "comes out" in the *Appeal* with a project to connect the waters of the Tennessee River with those of the Mississippi at Memphis, by a canal commencing at the head of the Muscle Shoals, on the Tennessee, at a point of elevation which the location admits sufficient to overcome the highland or ridge formed between the head branches of the Tombigbee, Big Hatchie, and Wolf Rivers, thence down the valley of the Wolf to the Mississippi at Memphis. Mr. Seawall was very sanguine and was so much interested that he had travelled over most of the proposed route and had "studied out the ways and means." He wanted the State to undertake the work, and as a preliminary fund use the capital of the State Bank, which he said had proven unprofitable. This was a gigantic scheme, and as thus presented was a more foolish one than "the useless Wolf River Canal." But it found other advocates than Seawall. A report in Philadelphia that Memphis had repudiated or was preparing to repudiate her debt occasioned much uneasiness, but the *Enquirer* attributed it to the protest of leading citizens against the "useless Wolf River Canal," which they declared they would refuse to pay taxes for. More troops were being raised for service in Mexico, and every day had its special quota of news in the daily papers from the seat of war. The suspension of the Farmers' and Merchants' Bank was the sensation in the first week in October. The *Appeal* censured the *Eagle* for a too hasty and sweeping condemnation of the directors of the bank, who were among the most respectable and reputable men in the country. On the 12th a statement of the bank's condition on the 1st showed the excess of liability above available means to have been $214,742, and the value of the stock

to be eighty-six cents. Dr. Jeptha Fowlkes, the president, concluding his report published in the *Enquirer*, said: "After the published statement of the 1st of October, showing the small liability of the bank with assets, under a most rigid classification, sufficient of an undoubted character in solvency to pay outstanding liabilities and repay the stockholders under liquidation some $86 per share, it can scarcely be necessary to say that the bank is abundantly solvent, and that it is impossible for any creditor to go unpaid; nor to say farther, to any one who will calculate the rapidity of the reduction of liability, that the period cannot be distant when this institution will take again, with increased vigor and strength, her stand among her sisters as one of the specie paying banks" This suspension of the Farmers' and Merchants' Bank induced the agitation of the establishment in Memphis of a branch of the State Bank, which Governor A. V. Brown recommended in his closing message. The capture of the city of Mexico by Scott and the prospect of peace, once already rejected by the Mexicans, occasioned great joy. A surplus of $177,281 in the State treasury suggested to some of the papers public improvements, and the extension of the public school system. A chartered line of telegraph between Memphis and Nashville was one of the evidences of progress in addition to the Atlantic and Mississippi Railroad and the plank roads. The nomination of John P. Hale, of New Hampshire, for president, and Licester King, of Ohio, for vice-president, by the Abolition convention, at Buffalo, was mourned over as a bad omen. Robertson Topp, of South Memphis, declared himself a candidate for the United States Senate on this platform: (1) Opposed to the repeal of the tariff act of 1842; (2) in favor of supplying men and money to prosecute the Mexican War with the utmost energy; (3) opposed to the passage of the Wilmot Proviso. But this popular platform did not avail him. Mr. Topp was a statesman of broader views than were usually to be found in the Whig ranks, but this and his personal independence made him unpopular with the party managers, and his very great abilities were lost to the public. Early in January, of 1848, Colonel J. T. Trezevant was re-elected mayor of South Memphis, and on the 24th an act was passed by the Legislature raising Memphis to the dignity of a city and extending its powers as a corporation. On the 4th of February, 1848, the charter of South Memphis was amended. The boundary clauses of the 10th and 11th sections were repealed and "that portion of South Memphis lying east of Wellington street" was excluded from the corporate limits; the general ticket system by which aldermen were elected was also repealed; and it was provided "that hereafter the aldermen of said corporation shall be elected by the qualified voters of the wards in which they respectively reside." The Legislature had also at the same session given its credit to the Nashville and Chattanooga Railroad for $500,000, and $250,000 to the Hiawassee Railroad. A resolution to close the Bank of Tennessee was voted down by the House. On Saturday, the 29th of January, there was a

great deal of excitement in the city owing to the service of an injunction upon the officers of the Merchants' and Farmers' Bank by the sheriff, at the instance of Moore and Rogers. The officers "very imprudently raised a crowd (which would have ended in a mob had it not been for the prudence of our citizens generally) with the object of taking forcible possession of the bank, papers, etc." "Axes were freely used" and "a large stick of wood was taken to the door to be used as a battering ram," but the besiegers abandoned that part of the project. This excitement was unnecessary, as upon an understanding through a third party that no other but the officers were to enter the building, the keys were handed to the deputy-sheriff, who took peaceable possession. There was a great deal of bad feeling abroad about this bank, and trouble was brewing that was eventually to lead to bloodshed. On the 6th of February, 1848, books were opened for subscriptions to build "a line of Morse's electro-magnetic telegraph from Memphis to intersect the New Orleans and Ohio telegraph line at Columbia, thus affording our citizens communication with all important telegraph points in the United States." Joseph Watkins, Miles Owen, M. B. Winchester, R. C. Brinkley, Jos. I. Andrews, James L. Webb, Thomas H. Allen, Seth Wheatley, and Joseph E. Talbot, were the commissioners. A communication in the *Appeal* of February 20, encouraged subscriptions to this scheme by the assurance that "the gross receipts upon this line from Washington to New York are $5,000 per month, whilst the entire cost of its construction did not exceed $50,000. The line from Philadelphia to St. Louis, through Pittsburgh, Cincinnati, and Louisville is paying not less than forty per cent." The writer argues: "Go to the post-office in this city and enquire how many letters are mailed here quarterly, and you will be surprised to learn that the whole number is 30,000 or 120,000 per annum. How many of these could be sent by telegraph if the charges were reasonable? One sixth would be twenty thousand, which, at fifty cents per communication would yield $10,000, which added to $10,000 to be collected from the 2,000 steamboats and their passengers that arrive every year at the levee, and there would be a total, less expenses of about $4,000, of $16,000," which "Memphis" goes on to show would be about twenty-seven per cent on the $60,000 the line was to cost. This argument, convincing as it was possible to make it, considering that the telegraph was as yet an untried experiment, supplies some figures as to the number of letters sent away and the number of steamboats that arrived each year, that speak favorably for the growth of the city. Contemporaneously with this effort to establish telegraphic communication, came news of peace with Mexico and the cession of that vast territory, the settlement of which was to precipitate the Civil War.[1] Pertinent to this

[1] New Mexico and Upper California were conquered during the Mexican War, the former (including Utah, Nevada, and a large part of Arizona and New Mexico) by Colonel Kearney, and the latter by the Navy, under Commodore Stockton, and a small land force under Colonel Fremont, but the United States paid for it by treaty $15,000,000 and $3,250,000 in claims of

was a speech made in the Senate by Mr. Yulee, of Florida, whose extreme ground and close following of John C. Calhoun were condemned by the *Appeal*, which thanks General Foote, of Mississippi, "for his timely and eloquent denial of the assertions of Mr. Yulee," remarking in the same editorial that "in the South, as at the North, there are a few ungovernable spirits who seem determined to keep this vexed question in agitation." The municipal elections of this year resulted in a tie, the candidates for mayor, G. B. Locke and Enoch Banks, receiving the same vote. Mr. Locke was subsequently elected by the council, on whom devolved the election.[1] The press at this time was very strong. Besides the *Appeal*, the *Enquirer*, the *Eagle*, *Western Mercury*, and *Evening Herald*, all having daily, weekly and tri-weekly issues, there was the *Religious Age* and the *Temperance Advocate* and *Visitor*, the *Southwestern Medical Reformer*, organ of the Botanical Medical College, and the *Southwestern Medical Advocate*, organ of the Medical College. The attacks upon General Pillow in February and March, growing out of General Scott's enmity to, and the former's intimacy with the administration, were being discussed as they were up to the time of the Civil War, when discsused at all, with a great deal of partisan heat and bias. General Scott himself bore willing testimony to Pillow's bravery and skill, especially at the capture of Chapultepec. But General Scott was a bitter partisan, and was not willing that the Polk administration should profit by his victories, and when in a general order he referred "to pet familiars" and "courtiers" his case was made plain. The "overweening vanity" with which Pillow was charged, when nothing else could be alleged against him, was greatly neutralised by the employment of these contemptuous expressions by the weak and vain commander-in-chief, and when Major Burns acknowledged himself the author of the Leonidas letter all the

American citizens against Mexico. The territory thus annexed including that part of New Mexico east of the Rio Grande which was claimed by Texas, and for which that State was afterward paid $10,000,000 by the United States, added to the area of the United States 545,783 square miles. By the Gadsden treaty of 1853, made necessary by boundary disputes and to prevent another war, the present northern part of Arizona, the Messilla Valley from the Gila River to Chihuahua was purchased, the price being $10,000,000. With this came the right to transport troops across the isthmus of Tehuantepec.

[1] J. P. Prescott: "Early in the year 1848 Colonel J. W. A. Pettit began to urge upon the local authorities, who were then Gardner B. Locke, mayor, and Benj. Wright, J. W. A. Pettit, Jeptha Fowlkes, Daniel Hughes, James Wright, V. D. Barry, R. L. Kay, E. Magevney, J. M. Patrick and S. B. Williamson, councilmen, the necessity for a system of free schools for the city. In accordance with this advice each member of the city council had a school opened in his ward. Colonel Pettit opened the first school at the northeast corner of Third and Overton streets, and a second one at the corner of Main and Overton, which was afterward moved to the Methodist Church, east of Centre alley and south of Concord street. Afterward schools were opened in other wards. The principal men to whom was due the credit of establishing the city schools and maintaining them for several years were, besides Colonel Pettit, Mayor Locke and Mr. Magevney, the other members of the board, and various enterprising private citizens."

charges fell to the ground as puerile. "Many" says the *Appeal*, in a style of hyperbole then much affected by political writers and speakers, "boldly attacked his skill and his discretion, and sought thereby a mode of sullying the fame braided by the finger of war and placed by the serried hand of battle around his brow. . . . . The unconscious victim of detraction, scandal and malign abuse, still suffered under the scourge of political opinion thus manufactured, until the commander-in-chief published his celebrated order about pet familiars, courtiers, etc." General Pillow was well known in Memphis, as he was everywhere in Tennessee. He had been a very successful business man, planter and lawyer, and was the son of a gentleman who had been intimately identified with the settlement of the State, and was for a time interested in South Memphis as a large land owner. His family was an influential one, though few of its members had ever been conspicuous in public affairs. A little testy and touchus where his official prerogatives, his fame, or his good name were concerned, General Pillow was an honest man, a good citizen, a faithful and brave soldier, loyal to the State and to the Republic. On the 9th of June, 1848, the first telegraphic dispatches were published by the press. There were two lines of telegraph, one the O'Reilly to Louisville, the other the Morse line to Nashville, which was built by the Hon. Harvey M. Watterson, a noted politician and Democrat of Middle Tennessee. Toward the close of June political ratification meetings were in order. Cass and Butler were the Democratic nominees for president and vice-president, and Taylor and Fillmore the Whig. The campaign turned upon the extension of slavery, the Wilmot Proviso being severely anathematised by the Democrats, while the Whigs were discreetly silent or "hedged," some being for and some against. "Lies were nailed" every day but "they would not stay nailed," General Taylor being so grossly dealt with in this respect by the *Appeal* that he was compelled to write a very severe letter to the editor from his headquarters at Baton Rouge. It was a bitter canvass everywhere, but nowhere more so than in Memphis. General Taylor was elected, receiving in Tennessee 64,705 votes against 58,419 for his Democratic opponent, Cass, being a majority of 6,286.

XII.

IN January of 1849 the Asiatic cholera reached Memphis from New Orleans, and created some alarm, but the deaths were comparatively few, and, the board of health said, were confined to the flat-boat people, and the dissolute, and those who had been enervated by dissipation. The disease prevailed with great violence in New Orleans and Nashville, and many well known persons died, among them General Gaines, in the former city, on the 6th of June, and ex-President Polk, in the latter on the 15th of the same month. The latter,

who had been received in Memphis on the 27th of March with enthusiasm, on his way home from Washington, was preparing for a European tour, to which he looked forward with pleasure. He was held in very great respect by his fellow citizens of the State, those of Memphis particularly, and he reciprocated the kindly feeling by telling them in one of the last speeches he made, that to be received by them so warmly was "the proudest moment of his life." It detached nothing from their warmth, or his appreciation, that only a few weeks before General Taylor, the hero of the Mexican war, on his way to Washington, had been almost as enthusiastically received, and also by the whole population "without regard to party." The dread and hate, the fear and detestation of abolitionism was now finding expression in all sorts of ways and places, and at all opportune moments, and a feeling was growing that something must be done to suppress it. The State Democratic convention that nominated General Truesdale, who was this year elected governor, denounced it, and a southern convention held at Jackson, Miss., endorsed a proposal to hold a convention at Nashville "in June of next year," to "devise and adopt some mode of resistance." In the last week of July Mr. Calhoun again added some fuel to the flame, this time in the form of a reply to Senator Benton, a very lengthy and exhaustive contribution to the debate over the Wilmot Proviso for which Benton voted. Mr. Calhoun closed his letter with this significant passage: "The blame and responsibility falls on the section that assails. Which that is in the present case admits of no doubt. The South has been on the defensive throughout, and borne indignities and encroachments on its rights and safety with a patience unexampled, and yet she is basely charged with disunion and the North lauded as its advocate. We must learn to disregard such unfounded and unjust charges, and manfully do our duty to save both the Union and ourselves, if it can be done consistently with our equality and our safety, and if not, to save ourselves at all events. In doing so we should but follow the example of our Washington in the great struggle that severed the Union between the colonies and the mother country. He was ardently attached to the Union, struggled hard to preserve it by resisting the encroachments of parliament on the old and established rights and privileges of the colonies, but the folly and infatuation of parliament, and the vile machinations of Tories among ourselves rendered all his efforts, and those among the patriots of his day unavailing." This was "plain secession talk," and was as seed sown for the whirlwind of 1861–65. The era of railroad construction may be said to date from this year. At the close of 1848 the total mileage in the United States was only 5,996, and the annual average increase only 398 miles; in 1830 there were 23 miles, and in 1840 2,888. At the close of 1849 there were 7,365 miles completed, and the annual average increase was stated to be 1,369 miles. Tennessee was contributing her quota to this then immense and rapid increase in mileage, and Memphis was leading all the other

towns in the State. The Memphis and Charleston Railroad, chartered in 1847, was under way, and the Mississippi and Tennessee, incorporated in 1846, was being surveyed for. On the 30th of September at a public meeting delegates were appointed to attend conventions to be held at Holly Springs, Miss., and St. Louis, Mo., for the purpose of farthering the interests of the Holly Springs, La Grange and St. Louis road, and an appeal was before the people of the State for the Georgia and East Tennessee Road, which it was intended should run from Nashville to Memphis, with a view to make the shortest route from the Mississippi to New York, and from that city to New Orleans. It was to be part of a great system that has never been organised, though many vain attempts to that end have been made. Beside these movements, a long advertised national convention was held on the 23d of October, at the Exchange building, which was opened with prayer by the Right Rev. James H. Otey, bishop of Tennessee. It was called to consider an Atlantic and Pacific Railroad, and delegates were present from Louisiana, Arkansas, Mississippi, Alabama, Kentucky, Missouri, Texas, Illinois, Pennsylvania, Massachusetts, New York, Virginia, South Carolina and Tennessee, in all fourteen States. Commodore Maury, United States Navy, was chairman and General Jefferson Davis[1] was a member from Mississippi. All resolutions were referred to a committee, and after a four days' session and a great deal of speaking, the following resolution was adopted as the "sum and substance of the action of the convention":

Resolved, That in the present state of our knowledge we feel warranted in recommending to the particular attention of the general government for examination the route commencing at San Diego on the Pacific Ocean, crossing the Colorado of the West, running along the Gi a River, or near it, in a direction to the Paso Del Norte, and thence across the State of Texas to its northwestern boundary between thirty-two and thirty-three degrees of north latitude, terminating at some point on the Mississippi between the mouth of the Ohio River and the mouth of the Red River.

The Memphis delegates failed of their purpose, and did not secure an endorsement of this as the best point for the eastern terminus of a Pacific Road. That was the purpose for which the convention was called by the leading men of the city, who, if they made any provision for overcoming the opposition of rival places, were unable to concentrate the vote of the convention upon the city, clearly the only point between the Ohio and Red River that was at all available. But even the slender hope thus excited has never been realised. St. Louis and New Orleans, both cut out by this resolution, have direct railroad connection with the Pacific, and Chicago, which was too far north then to be considered, was the first city in the west to profit by a transcontinental route. Memphis has no Pacific road, nor any direct connection with one.

[1] Mr. Davis was a zealous advocate of a transcontinental line of railway in the Senate and as secretary of war. During his tenure of the latter office as a member of President Pierce's cabinet he ordered and organised a survey for such a line under Captain George B. McClellan (afterwards Major-General) within the limits of latitude indicated by the resolution adopted by the convention as expressive of its objects and purposes.

Greatly encouraged by the notoriety Memphis had earned by this and the previous convention, two Frenchmen named De Chellaye purchased 1,700 acres of land about eight miles above Memphis, on the river, with a purpose to engage in the culture of silk. The land was bought early in the year from General E. P. Gaines, United States Army, then in command at New Orleans, who filed with the deed in the register's office, book 3, page 473, a letter in which he discussed, for the benefit of his agent here, Mr. Clark, the relative value of lands in Tennessee for the cultivation of cotton and silk, stating his reasons for preferring the latter. But the effort failed it is believed for want of a complete test. On the 5th of November, 1849, the first steps were taken by the citizens of Memphis, South Memphis and vicinity, to unite the two places. A meeting was called to be held at the City Hall on Exchange Square on Tuesday night, and at Hightower Hall on Wednesday evening "at early candle light," for the purpose of taking into consideration the propriety of this union. An advertisement to this effect appeared in the *Daily Times*, without signatures. At the meeting held at Hightower Hall, after the adoption of a resolution empowering the chairman to appoint a committee of twelve to go to Nashville and ask the Legislature for such aid "as might be necessary and proper for the Memphis and Charleston Railroad," Mr. Seth Wheatley suggested that as the meeting was organised it proceed to the consideration of the proposed union of Memphis and South Memphis, "which, after some debate was concurred in." Colonel J. T. Trezevant and Colonel R. Topp, of South Memphis, urged for the union, and the former offered a resolution to the effect, "that the time had arrived when the present interests and the future prospects of Memphis and South Memphis demand their union in one corporation, upon ground just and liberal to both towns." Mr. Henry G. Smith amended this by two resolutions, which set forth: (1) "That in regard to the adjustment of power under the joint corporation, the fair basis is, in our opinion, an arrangement of wards with reference to the population and taxation combined. (2) That as to the past indebtedness it is in our opinion sufficiently fair, that each corporation stand separately liable for its respective indebtedness, or that the same be liquidated or sustained by means of such new sources of revenue as the union of the corporations will produce." These were, after some debate, and strenuous opposition by Judge Bailey, adopted, as was a motion by Colonel R. Topp, for the appointment of a committee of three to adopt a charter which should be submitted to the people on the Friday and Saturday nights following. This was done, and the charter was adopted and sent to Nashville, where it passed the Legislature on the 3d of December. But the fight that had lasted so long was not yet over. The charter, as it appears among the laws made by the Legislature of that year, is entitled "An act to incorporate into one act the several acts incorporating the city of Memphis and the town of South Memphis, passed January 6 and January 31, 1848, and to

unite said towns into one, and extend the boundaries thereof." By the first section, "all that district of country contained within the following limits: Beginning at a point in the middle of the Mississippi River, due west of the point where the Bayou Gayoso strikes Wolf River, thence due east to that point on Wolf River, thence with the northern bank of the Bayou Gayoso, to the point where Auction street is extended across the same; thence with the Raleigh road to the avenue east of the town Reserve, thence south with the east line of said avenue until the same strikes the east line of the South Memphis tract of land; thence with the east line of said tract to its southeast corner; thence west with the south line of the South Memphis tract to the east line of the Butler tract; thence to its southeast corner; thence west with the south line of said tract to the centre of the Mississippi River; thence with the meanders of said river to the beginning point (excluding the navy yard) is hereby united into one city, by the name of the City of Memphis." The second section specified the powers, the third fixes the bounds of the wards and provides for twenty-four aldermen, two from each of the wards of South Memphis and Memphis; "two from the district of country lying east and south of the present incorporated limits of South Memphis, and two from the district of country east of Bayou Gayoso, and north of Union street, as embraced within this charter." Sections four to seven inclusive were devoted to officers and their election and qualification. Section eight provided for the joint election of mayor and aldermen on the last Monday in December, 1840, after ten days' notice, and stated the qualification of voters, and that the first meeting of the board shall be at the usual place of meeting of the mayor and aldermen of the city of Memphis, and on the first Tuesday after election. Section nine specified the powers of the mayor and aldermen, and section ten authorised the issuance of bonds that "shall not have longer than one year to run, shall not be renewable, and shall not be for an amount larger than the revenue of the last preceding year; and no new issue shall take place until previous bonds hereby authorised are paid, unless authorised by three unanimous votes of the board, ten days apart from each other; provided, however, that the city of Memphis, by and through its mayor and aldermen, and by the subscription of the mayor on the books of the Memphis and Charleston Railroad Company be and is hereby authorised to subscribe for any sum not exceeding $500,000 of the capital stock of said company, or to subscribe that amount for any road leading from Memphis and connecting with the South Carolina and Georgia works; provided that the said railroad subscription shall not be taken by the mayor and aldermen until the vote of the legal voters of the city of Memphis shall have been taken by them, and a majority of those voting decide in favor thereof;" and they were empowered to pledge a portion of the taxes to meet the calls for this subscription of stock, or issue bonds for the whole amount or any part thereof. The eleventh sec-

tion related to expenditures of revenue; the twelfth to the taxes, fines and forfeiture, and how they were to be paid; thirteenth, to the continuance of all ordinances passed by both corporations that did not conflict; fourteenth, that the books, records, papers, or property of either the town or the city shall upon the organisation of the new board be delivered over to the mayor and aldermen; fifteenth, provided for laying off the city in wards and the second election which was to take place on the last Thursday in June, 1850, and annually thereafter; sixteenth treated of qualifications of aldermen; seventeenth provided that each town shall pay its own debt; eighteenth fixed salaries; nineteenth limited the fiscal year; twentieth provided for vacancies in the office of mayor; twenty-first provided for the administration of the oath by any justice of the peace; the twenty-second was the enacting clause; twenty-third provided for the indictment of illegal voters, and the twenty-fourth provided for repeal. So soon as the sheriff received an authenticated copy of the charter he issued notice of an election for mayor and aldermen to be held on the last Monday of December. This resulted in the election of Mayor E. Hickman, mayor, by 135 votes to 101 for Smith; the total vote cast being 236. After organising the board of aldermen Mayor Hickman declined to take any farther steps until additional and needed legislation was had.[1] An injunction to restrain him and them from such a step was sued for before Chancellor Jones who issued his writ on the 28th. Meanwhile a very earnest effort was made before the Legislature at Nashville, to separate the united towns. But Representative Searcy sent to the press the gratifying news that a legislative committee, after careful inquiry, had sustained the charter, which was again endorsed by the people, and the union of the two towns ratified at a public meeting, held on the 2d at Hightower Hall, at which the following resolutions were adopted, the papers reported, by a vote of two to one:

Resolved, That, in the opinion of this convention, the union of the towns of Memphis and South Memphis, is a measure called for by public necessity and the private interests of the citizens of both towns; and with that view is supported by an overwhelming majority of the people of both towns, and by those proposed to be embraced within the limits of the town.

[1] The following card was published in the *Appeal* of the 2d of January: "TO THE CITIZENS OF MEMPHIS: The undersigned, as is known to this community, was yesterday voted for and elected to the office of Mayor, under the charter recently granted by the Legislature for uniting the two cities of Memphis and South Memphis. It is also known to the community, that this election took place under circumstances well calculated to prevent a full and fair expression of the opinions and wishes of the citizens, and probably affecting the validity of the proceeding. He therefore deems it incumbent upon him to make known to his fellow-citizens the course he has pursued and intends to pursue with reference to his official duties. He has this day caused the new Board to be organised, as required by the Charter, thinking it probable that a failure to do so might be insisted upon as operating a forfeiture of that instuument. But having done so, he announces his fixed purpose to be, to perform no other functions of the office of Mayor, until such time as by further legislative action adapted to our peculiar situation, and a fuller and more satisfactory expression of public opinion, he may proceed peaceably and harmoniously to the discharge of his duties. E. HICKMAN.

"January 1st, 1850."

Resolved, That the charter which has been obtained for that purpose, is acceptable to a large majority of the citizens of both towns, believing that, in the main, its provisions are fair, just and equitable to all, and sound policy dictates that the same should not be altered in any manner or shape, unless future experience shall show that it is necessary.

Resolved, That our Senator and Representatives in the Legislature, for the firm and manly support they have given to this measure, and all other matters and things touching the interest of the people of the county, are entitled to and receive the hearty thanks and approbation of their constituents.

Resolved, That the charges of fraud which have been made and industriously circulated against those who have been instrumental in obtaining the charter, are unsubstantiated in any degree, disbelieved by this convention, and, so far from making any impression, those who have been instrumental in obtaining the same, are tendered in this public manner our thanks for the part they have taken.

Resolved, That in the opinion of this convention, the interests of the citizens of the town would be promoted by the repeal of our present Commercial and Criminal Court, and a Court of Common Law and Equity jurisdiction substituted in lieu thereof, and with the view of accomplishing the same, we second the application which has been made for that purpose by the members of the Memphis bar.

Resolved, That we are in favor of a liberal scheme of internal improvements — that we in the main approve of the leading features of the bill reported to the Legislature by the Committee on Internal Improvements — and we hereby request our Senators and Representatives, in good faith, to support the same; and if they cannot pass the whole bill, to sustain the cause by their support — and such other schemes as they believe will advance the great interests of the State.

NAT. ANDERSON,
ENOCH BANKS, } *Chairmen.*
E. H. PORTER,

J. F. FARRINGTON, *Secretary.*

On the 14th another election for mayor and aldermen was held under an act passed in 1835, chapter forty-nine (Canuties and Nicholson), those elected on the 31st of December having declined to serve. But the gentlemen elected were never sworn in. On the 1st of February, 1850, Chancellor Jones discharged the injunction and permitted the sheriff to hold an election, the mayor and aldermen thereat elected to qualify and organise, but he restrained them from exercising any official act. By virtue of this authority of the court an election was held in the different wards of the city of Memphis on the 14th of February, when Edward Hickman and others[1] were duly elected mayor and aldermen for the city under its new charter. After qualifying and organising they went by counsel before the Hon. William B. Finley, judge of the Common Law and Chancery Court of the city of Memphis, and prayed to be freed from the restrictions put upon them by Chancellor Jones, and that they have the records, books and papers of the old corporations delivered to them in pursuance of the charter. Judge Finley decided, upon a very careful review of the

[1] For aldermen, North Memphis, 1st Ward, H. Cobb and J. Knapp; 2nd Ward, Dr. J. Fowlkes and Dan Hughes; 3rd Ward, H. B. Joiner, (Lenow and Porter 10 votes each;) 4th Ward, V. Rhodes and K. J. B. L. Wynn; 5th Ward, R. A. Parker and H. G. Smith; 6th Ward, D. Looney and A. O. Harris; added district, N. B. Holt and S. W. Jefferson. For aldermen, South Memphis, 1st Ward, A. B. Shaw and J. Waldran; 2nd Ward, A. B. Taylor and G. W. Murphy; 3rd Ward, Sidney Smith and Carr; 4th Ward, A. M. Ferguson and John Wylie; added district, Geo. W. Smith and J. L. Webb.

law and the facts, that the inhibition be removed, that the new board be permitted to proceed to the exercise of all the functions legitimately pertaining thereto under the provisions of the charter, and that it was entitled to have put into its possession the books and papers constituting the archives of the old corporations. This vacated the office of A. B. Taylor, the third and last mayor of South Memphis. On the 5th of March the board met, and the election of officers was begun and continued at subsequent meetings until the machinery of the city government was complete. This government continued in power until the last Thursday in June, when another election was held, at which Mayor Hickman was re-elected, and thereafter the city of Memphis was to know no rival, and was to be free from local divisions and animosities. The long struggle was over. Pedraza had disappeared. Hopefield had surrendered. Randolph was distanced in the race. Commerce had ceased to be a competitor, and Fort Pickering and South Memphis were swallowed up by their successful rival. Some heat remained after a struggle so prolonged and so bitter, but it, too, yielded to the healing influences of time. At the close of 1849 there were in Memphis two Presbyterian, two Methodist, two Baptist, one Episcopal, one Catholic, one Cumberland Presbyterian and one Reformed Christian, or Campbellite Church, "all with large congregations, and supplied with able ministers. In educational advantages, too, Memphis was but little behind any city west of the Alleghenys."[1] Besides many other private schools there was the male academy of the Rev. Mr. Hyer, and the free school system, which, though in its infancy, promised well for the people. "All that is now required," said the sanguine Twyman, "is that the public shall extend to the city authorities a sustaining influence, and Memphis will not rear and send forth a man or woman that will not have had the advantages of an education and correct moral training." The annual receipts of cotton "footed up" a total of 140,000 bales, and the general wholesale trade was in proportion. A large bagging and rope factory was in operation, and several large foundries and other manufacturing enterprises had been projected. Thanks to the effective speeches of ex-Governor James C. Jones, and the superb financial management of Colonel Samuel Tate, the Memphis and Charleston Railroad was now under construction, and was relied upon to "divert" the Mobile and Ohio Railroad, and "bring the terminus here." Besides this a plank road to Germantown was under way, with a view to its continuance to Holly Springs. Twyman predicted that "should this new character of internal improvement be found to answer the desired purpose, of which there is little doubt, this road will be completed to Holly Springs, and soon there will be similar roads built from Memphis to every important point within fifty miles of Memphis in Tennessee, Mississippi and Arkansas. The completion of these improvements would increase the commerce and other business of Memphis tenfold, and with anything like a liberal spirit on the part

[1] Twyman's "Directory and Advertiser for 1850."

of those most interested, it can be effected in the next ten years," when he promised that Memphis was to have a population of 75,000 souls. But he went even farther, and enthusiastically predicted that should "this point be made the terminus of the Memphis and Pacific Railroad, which is more than probable, any mind can easily imagine how greatly the foregoing prediction will be surpassed. In this event, instead of a population of 75,000 in 1860, Memphis will doubtless boast her 175,000, and the beautiful area from the mouth of Wolf River to Fort Pickering will present a grand crescent front of massive commercial houses, with a wharf three miles in length, lined with steamships and other sea vessels and steamboats."

1850–65.

I.

EIGHTEEN hundred and fifty ushered in one of the most stormy of the epochs in the history of the United States. The North and South, for the first time clearly defined as sections, were at bay. The question of the extension of slavery had been reopened, under circumstances so extreme as to involve that of disunion openly in Mississippi, South Carolina, and Georgia. Upon the close of the Mexican War, which resulted in the acquisition of a vast territory, the question whether it was to be free or slave became a leading one in and out of Congress, in political conventions, and even at church meetings. This territory had been embraced within the free zone of Mexico, and according to the law of that country there could be no slaves there. This encouraged the assumption at the North that it ought to be a free State. But at the South another view was held. Accordingly, on the 3d of June, 1849, when the people of California had agreed upon a State constitution prohibiting slavery, the announcement of it occasioned intense excitement, which was increased to a white heat on the 15th of May, of that year, when a similar constitution was adopted by the people of New Mexico, to which Texas asserted a territorial claim. In the South the people were by this wrought up to a high pitch of indignation. The equilibrium between the States, which, ever since the establishment of the Union had been so precarious, and had only been maintained by much of compromising legislation, was, they saw, about to be utterly broken up. The North was to secure the balance of power, and the South to be put upon the defensive for the existence of slavery. Northern public sentiment was fast crystallising in the direction of sectionalism. The abolitionists, who were still to suffer from jibes and jeers, and in more than one instance from brutal mobs of the lower orders in the large cities, in defiance of the individual freedom guaranteed by the constitution, were beginning to be encouraged. Many Democrats, as well as Whigs, were beginning to speak and vote for free territory. Popular sovereignty, or squatter sovereignty, which was originated at this time, could not delay the irrepressible conflict. The leading men of the South confessed as much when, in the convention of delegates from the slave States, held on the 2d of June, they declared any exclusion of slaveholders and their property from the new terri-

tories to be an injury and an insult to the South; and the several southern legislatures had instructed their governors, in the event of the success of the Wilmot Proviso, to call State conventions in order to secure concert of action against a common danger. This proviso had been introduced in the House of Representatives in 1846, when that body had under discussion the question of appropriating $2,000,000 "for the adjustment of a boundary with Mexico such as neither republic will hereafter be inclined to disturb." It stipulated that "neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime of which the party shall first be duly convicted." In the Congress that met in December, 1849, the whole question came up upon a basis of compromise, originating with Henry Clay (some say with Senator Douglass and adopted by Clay), by which the South was to obtain a more effectual fugitive slave law, and an indemnity to Texas for her claim of ownership of the territory of New Mexico; and the North was to obtain the admission of California as a free State, and the abolition of the slave trade in the District of Columbia. The legislatures of the new Territories were to be prohibited from passing laws on the subject of slavery—they were not to prohibit it if it existed, nor introduce it if it did not exist. In Memphis, owing to its situation in the southwest corner of Tennessee, close to the Mississippi line and separated from Arkansas by only the Mississippi River, the excitement over and discussion of the great questions thus precipitated were so almost continuous as to preclude any but the merest consideration of state or municipal matters. Arkansas and Mississippi had in the previous ten years been rapidly settled, and had grown to be among the most important of the slave and cotton States. They had increased their productions amazingly, and Memphis had been the direct beneficiary. Their interests were identical, and to both slavery was the foundation of their prosperity. The newspapers, as the expression of this interest, were warm in their denunciations of any attempt to interfere with slavery or circumvent its spread by congressional legislation. The Democratic papers were fiercer in this denunciation than the Whig, and were on that account nearer to the popular will and desire. The Whigs had, up to this time, been more or less modified in their views by their Federal tendencies, and their confessed necessity for a strong, centralised government. The Democrats, on the contrary, true to their interpretation of the constitution, had steadily maintained their view that the Federal government should not interfere with slavery, except to make more plain the fact that it was property, subject only to the contingencies that affected other property. But beside this question of property right in the slave, carrying with it logically the right of the citizen to carry that property wherever he might travel for pleasure or business in the Union, there was the almost equally weighty one of maintaining the equilibrium between the sections, the balance of power which had been so much discussed in colonial days, before and after the first

colonial Congress, at the formation of the Federal constitution, and ever since whenever the "institution," as it was called, of slavery was menaced, or its special guardians in and out of Congress found occasion for disquiet. The Democrats, having unquestionably the logic of the situation, resting all their claims as they did upon the constitutional guarantees as to slavery, were impatient of any opposition, especially so of opposition by southern Whigs, with whom they naturally supposed the claims of property would be paramount. It will be understood from this why President Taylor, when he was credited with saying at the beginning of the year that he would enforce the laws of Congress in California by the whole power of the government, was bitterly assailed. Those laws provided for the organisation of a State by the people of that Territory, which some of the Democratic papers referred to as largely made up of mongrel Indians, who were permitted to neutralise the white vote. Even the resolution of Senator Houston, offered in the Senate, incurred for him some severe criticism, although it was a mere declaration of a plain constitutional privilege, "that the establishment or exclusion of slavery by a territory constitutes no reason for rejecting her admission into the Union." The passions of the people were aroused, their rights of property were jeopardised, and they were not always reasonable or consistent. In Mississippi many public meetings were held to express the public mind on the situation, and Governor Quitman was moved to say, discussing the admission of California, in his message to the Legislature in February, that "if it is consummated the Southern States should consult together," and he suggested the proposed Nashville Convention as likely to afford the time, place and opportunity for this. About the same time the senators—Jeff. Davis and H. S. Foote—and the representatives from Mississippi—Jacob Thompson, W. S. Featherstone, W. McWillie, and A. G. Brown—united in a written request for an expression of legislative opinion to guide them in the crisis. The answer to this was the zealous efforts of Governor Quitman to promote the Nashville Convention and the election of delegates to it by the Legislature in joint ballot. About this time, and on the 4th of March, Mr. Calhoun had his great speech read in the Senate, and Mr. Webster delivered his equally great one, three days later, on the 7th. They were the respective champions, Calhoun of the Democrats and the South, and Webster of the Whigs and the North. Mr. Calhoun, whose high position had long before this crisis won for him the confidence of the people of the South, had, ever since the convention of 1845, over which he had presided, been regarded with something akin to affection by the people of Memphis. Although in ill health he prepared his speech with great care, because he felt it was the last he was likely to make. In it he held with logical consistency that the Territories belonged to the United States, and, therefore, every citizen, no matter of what State, had a perfect right therein with every species of property that belonged to him. As a strict constructionist of the

constitution he could take no other position. Congress, representing all the States, made the Territories and prescribed their boundaries; it legislated for them and laid down the terms upon which they were to become States; they were the property of all the States, and every citizen was, under the constitution which guaranteed its protection to slave property, free to go or come and to remain in them if he so elected, with his slaves, taking all the risks of a final declaration by the majority of the people, before the admission of such territory to the Union, for or against slavery. Mr. Calhoun insisted that, since the equilibrium or balance of power in the Senate had been broken, the States in which slavery existed and the people of those States should be protected in all their guaranteed rights. He scouted as untenable the idea advanced by northern senators that the Territories belonged to the emigrants who should settle therein, or the other equally untenable idea that the United States had proprietory rights in and over them, as if the government was something superior to the States that created it, instead of being their mere agent. Mr. Calhoun made his position clear and plain to the commonest mind and of course made a profound impression everywhere. Some criticism of his speech made on the day it was read, by Senator Foote, of Mississippi, to the mind of the great Carolinian justified his personal attendance at the Senate the next day, where, in his place for the last time he asked Mr. Foote if he meant to insinuate or accuse him of disunion. To this Mr. Foote replied that he had not; that he had "always maintained that he is one of the most devoted friends of the Union in this body." Mr. Webster, the greatest orator of modern times, made a formal answer to Mr. Calhoun on this occasion, as he had in the debate on the Force bill; but he was unfortunate in it. He made friends of the southern Whigs but aroused the intense indignation of the North, where abolition and free soil sentiments had found thousands of recruits since 1848. Mr. Webster, like Mr. Calhoun, was consistent;[1] but the people of the north

[1] Hon. L. Q. C. Lamar: "Oration delivered on the occasion of the unveiling of a monument to Calhoun," in Charleston, 1887: "With reference to the constitutional status of slavery in the States, Mr. Calhoun never entertained or expressed a sentiment that was not entertained and expressed by Henry Clay, John Quincy Adams, Daniel Webster, and all the eminent statesmen of his time. That slavery was an institution of society in the States, sanctioned and upheld by the constitution of the United States; that it was an institution of property, recognised, protected and enforced even upon the States where slavery did not exist, by the fundamental law of the Union; that it was an institution of political power which, under the provisions of the constitution, increased the representation of the Southern States on the floor of Congress, and in the electoral college, was admitted by every public man in the country who had the slightest title to position as a statesman. The only difference between Mr. Calhoun on the one hand, Webster and Clay and such statesmen on the other, was that the measures hostile to slavery which they some times countenanced, and at other times advocated, he saw and predicted were in conflict with these guarantees in the constitution, and that their direct tendency and inevitable effect, and, in many cases, avowed motive, was the destruction of slavery in the States. And whilst Mr. Webster and Mr. Clay disclaimed any such motive and denied any such probable effects, he declared to Mr. Webster in debate that the sentiment

had grown away from him, whereas the people of the South had grown to Mr. Calhoun. Mr. Webster, as the acknowledged "Expounder of the Constitution," could not reach down to the level of those who had denounced it as a "covenant with hell," and were constantly demanding that the flag of the Union be pulled down as a "flaunting lie." He saw and attempted to stem the increasing current of disunion that thus found expression, and which was steadily growing stronger for the final assault of 1861. But he failed. Even the southern Whigs failed him in 1852. They forgot his eminent services and refused to minister to his just ambition. They nominated Mr. Fillmore for the presidency. This was the final blow. Mr. Webster did not long survive it. He died very soon after this last failure to reach the goal of his ambition. These speeches of Mr. Calhoun and Webster were published in the Memphis papers and proved to be so much fuel added to the flame. Public feeling was intensified, and a plan of co-operation by the Southern States was suggested, with secession as an alternative remedy, was freely discussed at public meetings, in the newspapers and by citizens at all available places and opportunities. The death of Mr. Calhoun, which occurred on the 31st of March, brought a lull, but it was only for a few days. Indicating the excess to which passion was tending in individual cases, we find the editor of the *Appeal* acknowledging in his paper of the 2d of April, which was full of the evils of high protective laws, abolitionism and the attempted oppressions of the North, that he had returned to Senator Seward the pamphlet copy of that gentleman's speech, recently delivered in the Senate, and which he had forwarded through the mail. He returned it, he writes in the *Appeal* of the 3d of April, "accompanied by a note intimating that its sentiments of moral treason were so uncongenial with those of the editor of the Memphis *Appeal*, and indeed with the atmosphere of the *Appeal* office and the southern atmosphere generally, as well as a small and hitherto untainted portion of the northern atmosphere, that we have no use for it." The irascible Mr. Foote afforded the second illustration. In a heated debate in the Senate on the 17th, he drew a pistol to shoot Mr. Benton, who denounced him as an assassin who had prepared himself for the purpose. Mr. Foote explained that he had prepared himself, but that he did so advisedly. It was a disgraceful scene. But the wonder was there were not more of them. The attention of the whole country was fixed upon Congress, and the result of its deliberations were carefully scanned. In Memphis the feeling was growing that not much was to be hoped for from that quarter, and therefore the proposed Nashville Convention was discussed as a point for the concentration of southern sentiment. Meanwhile the compromise reported by Mr. Clay was published in the *Appeal* of the 21st of May. It provided (1) that no more new States were to be formed out of Texas, or to be

would grow and increase until, in spite of the constitution, emancipation would be consummated, and that he (Mr. Webster) would himself be compelled to succumb to it or be swept down by it."

admitted save upon the basis agreed upon in the compact with Congress; (2) the immediate admission of California; (3) the establishment of territorial governments for New Mexico and Utah, without the Wilmot Proviso; (4) a more effectual fugitive slave law; and (5) the prohibition of the slave trade in the District of Columbia. This the *Appeal* qualifiedly endorsed "in view of the distractions and disturbances that would, in all probability, be the consequence of its defeat." It could not say it was averse to its passsage, yet it did not believe that any "action of Congress can ever calm, permanently, the turbulence of those who have raised the necessity of every compromise ever adopted by our government. It is hardly to be expected that those who will not now abide by the Missouri compromise of 1820, and the Texas compromise of 1845, will yield their acquiescence in the principles of the California compromise in 1860 or 1870." Thls is a fair statement of the views of the more conservative men of the South. The compromise was not satisfactory, but perhaps it was the best that could be done. Time alone could tell. While waiting for that development and for final action upon the bill, they would take some steps themselves of a preparatory nature, looking to prompt action in case of need. This they did at the Southern Convention, opened at Nashville on the 3d of June, by Judge W. L. Sharkey, of Mississippi, its permanent chairman, who stated its purpose to be, not "merely to devise measures to protect the rights of property of the southern people, but to preserve the government which had been handed down to them untarnished; it had not been called to subvert but to perpetuate the Union." After several days' session an address and resolutions were adopted, asserting (1) that the Territories belonged to the people of all the States, and that they had an equal right to settle in them and with their property; (2) that Congress had no power to exclude from the Territories any property lawfully held in any of the States in the Union; (3) that it was the duty of Congress to provide proper governments for the Territories; (4) that whatever the States dealt with as property, the Federal government was bound to recognise and defend as such; (5) that the slave-holding States would not submit to any law that prevented a master from going into a Territory with his property; (6) that the Federal government should maintain the general rights of the people of all the States in the Territories; (7) that this was a constitutional right; (8) that the performance of this duty would insure peace; (9) that if this was denied by a dominant majority, they would ask for a division of the Territories among the States; (10) that the convention would await the action of Congress then pending and not discuss extreme measures. This action of the convention was ratified everywhere throughout the South. It had the effect of strengthening the opposition to the compromise bill, which the Charleston *Mercury* said should "be resisted by every southern man," and which also, in common with other influential newspapers, endorsed the sentiment offered by General Pillow, at a reunion of delegates to

the convention at Nashville—"The Missouri compromise line: We will shake hands with the North over it, but we will not be driven from it except at the point of the bayonet." There was evidently from this a recoil on the part of the people of the South from the compromise which at first had tempted them a little. Representative A. G. Brown, of Mississippi, explained that measure to his constituents to be: "Like the fatal Missouri compromise. It gives up everything and obtains nothing. (1) We admit California; (2) we give up part of pro-slavery Texas; (3) we get a government for New Mexico and Utah without the Wilmot Proviso, but with a declaration that we are excluded already by the laws of God and the Mexican nation, or get it with a prohibition against territorial legislation on the subject of slavery, and with a distinct threat hanging over us that if we attempt to introduce slavery against these prohibitions, the Wilmot Proviso will be instantly applied for our more effectual exclusion. Such," he says, "is the compromise." Such was the Democratic view of it. The Whigs took a different one and maintained it stoutly and persistently. The *Eagle*, among the southwestern newspapers, was persistent in its determined opposition to every man and every measure that in the least interfered to prevent its consummation. The supporters of that paper in Fayette county held a meeting early in June to express their approval of the compromise bill, and recommended their senators and representatives in Congress to use their best efforts to secure its adoption. This division among the southern people, on a question affecting their property, was much deplored, among others by the Hon. W. R. King, who addressed a letter to the people of Alabama, through the *West Alabamian*, in which he pointed out the baleful effects of such a course. And so it went on from day to day. Nothing else was talked of, discussed, resolved or written about, but the compromise. The publication by the *Appeal* on the 20th of June of the "address of the Southern Convention," gave a fresh impetus to the discussion, which was aggravated by Mr. Berrien's amendment to the territorial clause of the compromise bill, by the comments of the press thereupon, and by the publication of Mr. Turney's speech in the Senate, defending some southern men from the aspersions of the *Washington Union*, because they supported and advocated Clay's compromise bill. Letters from "Subscriber" and "Constant Reader" filled the papers in discussions of the deplorable condition of the country, precipitated by this agitation of the slavery question. General Taylor, who as a soldier knew but little about civil affairs, and was literally enforcing the laws as he would the orders of the War Department, was the especial object of abuse. The Democratic Convention of North Carolina, held at Raleigh, on the 13th of June, disapproved of his administration and declared many of his acts to be in direct violation of the pledges he gave before the election. The contest was fierce and bitter and sometimes malicious. W. S. Randolph, writing to the *Appeal* from Holly Springs, Miss., on the 28th of June, declared that "the compromise bill cannot be submitted to by the

slave-holding States, and that every abolitionist scoundrel that votes for it should be hanged." This was followed, on the 16th of July, by the prediction of the dissolution of the Union by the *Appeal*, in discussing the defeat of the amendment of Mr. Soule, of Louisiana, proposing that California should limit her southern boundary by the line of 36° 30′. The same paper was exceedingly severe in its comments upon the resolutions adopted by Mayor Hickman and the aldermen of Memphis in view of the death of President Zachary Taylor. It enquired into the principles and acts of Mr. Fillmore, who, as vice-president, succeeded to the presidency. These, it insisted, some of its southern contemporaries wished to forget, but letters and other proofs were adduced, which made the *Appeal* wonder that any man so deeply imbued and intensified with abolitionism should find eulogists and advocates at the South. The word abolitionist was thus being used as the most opprobrious of epithets. It embraced to the popular mind the three greatest crimes—theft, arson, and murder. The declarations of many of the agitating abolitionists at the North justified these definitions. They had pledged themselves to the abolition of slavery in any and every way possible, and had declared the slave justified in reaching to freedom by murder and arson and the theft of his master's property. The word abolitionist applied to a man the most deadly form of insult, "and could only be wiped out in blood." But it grew to have an even more odious signification. It was as the brand of Cain, and those upon whom it was affixed were outlawed and were any man's lawful prey. The feelings of the people were wrought up to a white heat of passion. In July meetings were held in Mississippi, Alabama, Georgia, and South Carolina, endorsing the resolutions and address of the Nashville Convention; and it was suggested by *The Mississippian* to hold another commercial convention like that held in Augusta, Ga., in 1839, and that held in 1845 in Memphis. This was approved by the Memphis papers, by the Somerville *Democrat*, and the Charleston *Mercury*. The commercial convention of 1845 had done more to break down party lines and unify the southern people upon economic questions, those especially that related to slavery, than all other means that had been tried, and it was confidently hoped that another such gathering would bring all the Whigs into accord with the Democrats against the compromise bill. This convention was to be a side issue, a sort of refuge for "patriots" who were tired of the still serious and interminable conflict to which every day contributed its quota of confusion, explanation, abuse, and denunciation. The *Appeal* published in July a letter from Alex. H. Stephens, emphatically denying an implied threat of censure of General Taylor by him in the event that he refused to exercise his influence in behalf of the South. He also exonerated Mr. Toombs. Per contra of this the same paper took issue with the Nashville *True Whig*, upon its high estimate of Mr. Corwin, Fillmore's secretary of the treasury. It reminded that journal of the time when the Whigs of the South disdained any fellowship with

Corwin, and refused to be held accountable for his conduct and principles; and it predicted the direst disasters to the country on learning that President Fillmore would pursue the same policy as to New Mexico as the late President Taylor had promulgated, and which it had visited with the severest censure at the time. It predicted the failure of the compromise bill, and was ready for the contemplated canvass by Senator Foote, who desired to justify his position to the people of Mississippi, and it published with pleasure a letter from P. I. Thurston relative to slave labor in the Territories, in answer to a letter from Horace Mann. Not only the *Appeal*, but all other of the newspapers of the day, were almost entirely devoted to the compromise measure which, according to the political leaders, menaced slavery with destruction by a process of dry rot. President Fillmore's message and Webster's letter, the speeches of Southern congressmen on the Texas question, and the resolutions adopted by the Southern representatives in caucus, were all as fuel for the fire. These resolutions insisted upon 36° 30′ of north latitude as the line between the slave and the free States, and bound the participants in the caucus not to vote for the admission of California until this boundary was conceded. Texas, California and New Mexico were in every one's mouth, and were the occasion of angry disputes. One of these, between General Wallace and General Houston, of Texas, came near to ending in a duel. But in spite of all this contention, by the 17th of September Congress had passed all the bills that in their sum and gross embraced the compromise measure. As originally reported by the committee of the Senate having Clay's eight resolutions for its basis, the compromise of 1850 embraced the following propositions: (1) The admission of any new States properly formed from Texas, with or without slavery, as the people of the new State should decide; (2) the admission of California on similar terms; (3) the organisation of Utah and New Mexico territories without the Wilmot Proviso; (4) the passage of the last two measures in one bill; (5) the payment of an indemnity to Texas of $10,000,000 for the abandonment of her claim to New Mexico; (6) the passage of a more effective fugitive slave law; (7) the abolition of the slave trade, but not of slavery in the District of Columbia. These propositions were embraced in what was termed an omnibus bill, which was so amended that on the last day of July, when it came up for final passage, it was found to be cut down to the organisation of the territory of Utah. The announcement of this result was a great disappointment to both sections, but especially to the South, where the sentiment in favor of non-intercourse was becoming general, and secession was persistently advocated. This was especially the case in Texas, where troops were being organised for the occupation and defence of New Mexico, the much disputed territory. This had the effect of hurrying the Senate, which at once took up in the form of separate bills, the measures of the omnibus bill that had been rejected. It passed the Texas bill August 10, by a vote of 30 to 20; the Cal-

ifornia bill August 13, by a vote of 34 to 18; the New Mexico bill August 14 by a vote of 27 to 10; the fugitive slave bill August 23, by a vote of 27 to 12, and the District of Columbia bill September 14, by a vote of 33 to 19. In the House the Texas and New Mexico bills were passed together September 4 by a vote of 108 to 97; the California bill September 7 by a vote of 150 to 56; the Utah bill September 7, 97 to 85; the fugitive slave bill September 12, by a vote of 109 to 75, and the District of Columbia bill September 17, by a vote of 124 to 47. With all the outcry it is now plain that neither in the compromise measure, nor in the debates upon it is there any evidence of a purpose to repeal the compromise of 1820, either directly or indirectly, or its prohibition of slavery north of the parallel of 36° 30′, nor did the Texas bill repeal the prohibition of slavery in new States to be formed out of Texas north of the Missouri compromise line, which had been first imposed by the joint resolution admitting Texas. The Whigs everywhere accepted these measures as laws to be obeyed until repealed, but the Democrats, though they said no word looking to their nullification, continued the agitation for non-intercourse and finally separation, if they were retained upon the statute books. The Whigs deprecated this agitation, and declared themselves as opposed to any attempt to repeal them because they were opposed to reopening the slavery question. But the Democrats kept it open, and one by one the Southern Whigs went to their aid, thus practically making the South a unit, and in some places there was something akin to popular frenzy indulged. "Let us do our duty to our country," wrote "Grundy" in the *Appeal* of the 17th of September, "and leave the consequences to God." The word abolitionist was thrown indiscriminately at all who were not absolutely identified with the southern Democratic view, at public meetings as well as in the press; and the *Apreal* went so far as to discuss the question "Can a State secede from the Union?" And notwithstanding some encouraging signs, it also congratulated the Southern press generally upon the boldness and frankness with which it was beginning to discuss the doctrine and policy of non-intercourse, although it must have been apparent that that was a begging of the secession doctrine. But more sternly resolved than this would indicate, the governors of Georgia and Mississippi, instructed by their Legislatures, ordered elections for delegations to State Conventions to consider the steps necessary for a defence of the rights of their States. This encouraged the Democratic press greatly, and the *Appeal* expressed its impatience at the cant about "the blood-cemented Union," and asked: "Why don't they say more about the constitution which is the bond of the Union." In October all the city papers were greatly excited over the question of secession, as accounts reached them almost daily of the formation of non-intercourse associations, one of which at Beaufort, S. C., pledged the members not to give freights to coasters owned by northern men or manned by northern crews. The political excitement was never at any time

more intense, at the North as well as the South. Vermont nullified the fugitive slave law, the Nashville *Whig* declared it a pleasure to be identified with "the disunion movement of the South," and the *Appeal* rejoiced because the North was waking up to a sense of the punishment inflicted on it by the non-intercourse policy. Early in November Mr. Jefferson Davis, then senator from Mississippi, and who was later destined to lead the South, in a letter dated the 15th and written at Jackson, explained his position to his constituents to be that he "preferred to go out of the Union with the constitution rather than abandon the constitution to remain in the Union." The *Appeal* endorsed these sentiments, and said that "if in the struggle to preserve our constitutional rights in the Union dissolution should result, we say let it come." It was coming. On the 19th, agreeable to the resolution of adjournment, the southern convention met at Nashville, and after seven days of debating and consultation adopted a series of resolutions. (1) That the people of the South declared their attachment for the Union, and that to preserve it unimpaired this convention originated and was now assembled; (2) that the Union was one of independent sovereignties; (3) that all the evils anticipated by the South, and which occasioned this convention to assemble, had been realized by the failure, *first*, to extend the Missouri line of compromise to the Pacific Ocean; *second*, by the admission of California as a State; *third*, by the organisation of territorial governments for Utah and New Mexico without giving adequate protection to the property of the South; *fourth*, by the dismemberment of Texas; *fifth*, by the abolition of the slave trade in and the emancipation of slaves carried into the District of Columbia; (4) that the people of the South are recommended not to take part in any conventions for the nomination of president or vice-president until their constitutional rights are restored; (5) that a congress or convention is called to meet at such time and place as may hereafter be designated, with full power and authority to act with a view of arresting further aggression and if possible of restoring the constitutional rights of the South. Tennessee alone voted against the adoption of these resolutions, all the other States were unanimously for them. And thus closed the year which had been ushered in by a portentous political movement, initiated by the message of President Taylor, who announced to Congress that he had advised the territories to apply for admission to the Union and that California had already adopted a State constitution. It was a year full of agonising suspense to all classes, and it closed amid very great political discouragements. Slavery had become to the North an evil menacing the free institutions the Republic was established to guarantee, and to the South as its most valuable property, the foundation of its wealth and prosperity, its most sacred possession, all the more precious because despite the constitutional guarantees for its protection, it was being assailed in a way to confine it within ever narrowing limits, and thus make it easy for the North still farther to increase its political power, eventually

to make of it a mere contingency dependent upon an overwhelming and increasingly hostile majority.

II.

BUT we must leave this wide field in which Memphis was and was to remain conspicuous, and retracing our steps devote some time to its local affairs. 1850 was commercially and from the stand-point of progress a year of great promise. The necessity for an efficient system of common schools was much discussed, and a pending bill before the Legislature for the purpose of establishing it was regarded as one of the signs of prosperity that seemed to be accumulating and with unifying power were gilding the hopes of the people, who consented to the issue of $119,000 in bonds, most of the money thus realised being expended upon the streets in grading and gravelling them. This ultimately proved to be so much money thrown away, and only effected a temporary good. But the spirit of improvement possessed the people and they were willing to pay for experiments. A State internal improvement act, which reached its final passage through the Legislature on the 30th of January, encouraged this feeling, and the chartering of the Memphis and Charleston Railroad by the Alabama Legislature, granting the right of way to Huntsville and Chattanooga, greatly strengthened that encouragement. Induced thereto by the eloquent appeals of Governor Jones, who was the authorised advocate of that enterprise, the board of aldermen in behalf of the city subscribed $500,000 towards the construction of the Memphis and Charleston Railroad, which was fortunate in having the support of Colonel Samuel Tate, Captain Joseph Lenow and Major Minor Meriweather, the latter an engineer of very superior abilities, and a fearless advocate of public right and public justice. Governor Jones was one of the leading Whig statesmen of the State, and was an ardent advocate of public improvements. A persuasive speaker, he reached more nearly to the hearts of the people than any of his contemporaries, and was very popular. The diminutive "Jimmy" by which he was generally known, was an indication of this. He was made the first president of the road, and thus identified with it made its interests his own. He took the field, and speaking first at Memphis, went out to the country along the projected line with a certificate of confidence such as so large a corporate subscription as $500,000 and an individual subscription of between two and three hundred thousand, implied, and armed with the necessary statistics, proved to be an irresistible advocate of a necessary work. The Memphis and Charleston Railroad was the heir of the Atlantic and Mississippi Railroad, which was chartered in 1833 and was to run from Memphis to some convenient point in the line dividing Tennessee and Mississippi, in the direction of

the Muscle Shoals. No work was ever done under this charter, not even a survey was made. In the same year the Western Railroad was chartered. It was to run from Jackson to some point on the Mississippi River. It also proved a failure, and the charter was merged in that of the Jackson and Mississippi Railroad Company in 1838. This, too, was merely a paper affair. No work was ever done under it. The La Grange Railroad Company was the next succeeding corporation. It was chartered in 1835. It had no connection with the above corporations, but like them it proved a failure. That year marked the beginning of the era of public improvements, and the people were worked up to a high pitch of expectancy as to the results to follow liberal appropriations of public money. Colonel Robert Y. Hayne, whose debate with Webster on the Foster resolutions procured him national fame, in an address delivered at Nashville, advocated the construction of a railroad from Memphis by way of Knoxville to Charleston. The words of the great senator produced no immediate effect, but they went out as seed to bear fruit an hundredfold when ripening circumstances should combine in a favoring public opinion to that end. Mr. William Armour, a member of the Legislature from Shelby county, in the following year (1838) introduced a bill for the construction of a railroad from the most eligible point on the Mississippi to the Tennessee river, and traversing the central part of the State to a point on the Virginia line. At an internal improvement convention held in Nashville on the 16th of October, at which a majority of the counties of the State were represented, a resolution advocating such a road was adopted and a committee was appointed to urge it upon the Legislature then in session. The result was an appropriation of $15,000 for the survey of a route for the "Central Railway." Mr. Albert M. Lea was appointed engineer and made the necessary surveys, which were presented to the Legislature, accompanied by a report that greatly encouraged the projectors. But the enterprise was never undertaken. In 1846 the Memphis and Charleston Railroad was chartered, and from the first took a strong hold upon the public mind. Its name was comprehensive of the purposes of the projectors and the anxious desire of the people for the direct connection of the Mississippi River with the Atlantic Ocean. It was the offspring of the Commercial Convention[1] held in Memphis the year before, and over which John C. Calhoun presided, and though it encountered the opposition of many persons who regarded the word railroad as a synonym for failure, it was pushed to completion as rapidly as the facilities then available to projectors and contractors would permit. This was in great part due to Colonel Samuel Tate, its first secretary and treasurer, and its third president. Colonel Tate was born in Middle Tennessee, but while still a child removed with his father to Fayette county where he was educated, entering mercantile life in Somerville, where he came to be regarded as one of the most progressive and energetic of mer-

[1] The second held at the South, the first being held at Augusta, Ga., in 1837.

chants. He was for some years a partner of Judge John C. Cooper, and later of Mr. Ed. Dickinson, sr., gentlemen of distinction at that time in mercantile affairs. He had early in his career attracted attention as a man of sound practical views and superior business ability and tact, and when the Charleston Railroad was chartered he was almost unanimously selected for the very responsible position of secretary and treasurer. His subsequently successful labors justified his selection and election. He was not a speaker as Governor Jones was, but he was as persuasive with men of money as the governor was with the people. Jones won the popular ear, but Tate reached the pockets of the planters. Thoroughly honorable, he maintained his own credit by fulfilling his promises and realising for those who helped the enterprise all that he predicted. Never over-sanguine, his temperament tinged with enthusiasm, easily communicated its convictions to others, and he set a fine example of fidelity and of steady, constant, intelligent work, and devotion to the important interests committed to him. His employment was a timely piece of good fortune for the railroad, which rapidly developed in the public confidence, so often disappointed in similar enterprises by reason of the immaturity in judgment and want of business training of those who undertook them. Colonel Tate entered upon public life at a time when the tide of public improvements was rising every day and he rose with it and took sagacious advantage of the flood. The people of Memphis, especially, were ardent supporters of his measures. They had faith in him, were quick to realise the feasibility of and necessity for his plans, and they soon came to speak of the Charleston Railroad as their pet scheme, the most promising of many by which the fortunes of the city were to be pushed. They had it in hand to make Memphis a port of entry, so satisfactory was the growth of trade and so rapid the enlargement of its business facilities. In April the opening of the Bradford Iron Foundry furnished occasion for the belief that manufactures were to keep pace with the increased facilities for distribution by land and water. A great many fine blocks of buildings on Main street had been recently occupied by some of the best firms in the city, and initiatory steps were being taken to secure a branch of the publishing house of the Southern Methodist Church then recently established in Nashville. Plank roads were also being projected from the city to the most important points in Mississippi and west Tennessee, and the river trade was doubling upon itself every year. The opening of lands for cultivation was in Arkansas especially rapid, and the increase in the cotton crop and the demand for merchandise of all descriptions kept pace with it. There was also a demand for slave labor, and Memphis became quite a market for negroes. It was, in spite of the political agitations that have been traced in preceding pages, an era of progress and prosperity. On the 14th of May, four days before the publication of the fact that Representative Stanton had secured the passage of an act "making this a port of entry," the arrival of the "barque *Clarissa* from Salem, Mass.," was announced

in the papers. She was towed up the river by the steamer *Josiah Lawrence*, and was loaded with machinery for the navy yard, the construction of which was being pushed forward as fast as the appropriations would permit. The *Clarissa* was anchored in Wolf River, and after she discharged her freight took on a load of cotton for Boston and New York at $1.50 per bale. But the happy feeling that resulted from this was lost sight of on the 8th of June, when a fatal affray occurred, growing out of the condition of the affairs of the Farmers' and Mechanics' bank, then in charge of Mr. Miles Owen as receiver. On account of the number of persons engaged, their social standing, the causes inducing it, and the fatal results attending it, it made a profound impression on the public mind. General Levin H. Coe, a lawyer of distinction, and a citizen of deserved prominence, representing some of the creditors of the bank, proposed in the interest of his clients to oppose the return of the assets and business of the bank to the president and directors of it. In the estimation of those interested, as well as of many business men, this was deemed necessary in order to save the property from ruin. General Coe, it was charged, was actuated in this by personal feeling against Dr. Jeptha Fowlkes. Whether this was so or not Messrs. E. W. M. King and Alanson Trigg so believed and so notified General Coe, in a letter dated the day before and published in the *Appeal* of the 11th. They notified him that if he persisted in this course they would regard it as an invasion of their private interests, hold him responsible and to personal accountability. This note General Coe regarded as a threat of personal violence, and he prepared himself for a possible altercation. On Saturday, the 8th, the general attended court and there made a motion in opposition to the removal of the receiver, argument on which was adjourned until the Monday following. This done he left the court in company with Major Connel and Mr. Hightower, and while on his way to his office was confronted by Mr. Trigg, who emerged from a grocery where he had been in company with Mr. Allington. Trigg at once attacked Connell, and Coe, believing this to be the beginning of a concerted plan of attack, drew his pistol and shot Trigg, killing him instantly. While the bloody fracas was in progress, Mr. Williams, walking up Main street, and Mr. Gaines, walking down Poplar street, came upon the scene and immediately joined issue for their dead friend, Trigg. Gaines shot Connell in the hip when "they closed in with knives," both being seriously wounded before they could be separated. Williams, Allington and Tompkins, who was the last to come upon the scene, in the mean time had "pressed in upon Coe," who, having discharged three pistols, found he could not extract the fourth, which had become entangled in the lining of his coat, and for the same reason could not draw his knife. In this dilemma he sought the friendly shelter of a hallway, the quicker to reach his remaining weapons of defence, but before he could accomplish his purpose Jo. Williams shot him, the ball entering his body near the spine and instantly paralyzing his lower extremities, the wound caus-

ing death on the 10th of August following. It was a savage affair, fought to the end with all the ferocity that is a characteristic of savage man; but it was in keeping with the spirit of the times. Duelling was still in vogue, and street encounters, though not so frequent as every day, were not surprises to the people. Two valuable lives were thus lost to the community because a good lawyer persisted in a line of duty that he was convinced was the best for the interests of his clients Mr. Trigg, a man of good social position, and highly respected, was clearly in the wrong. He had his remedy in court as General Coe had, and there, protected and aided by the law, he should have met his antagonist and if possible overcame him. What the general estimate of General Coe was may be gathered from the fact that only a few weeks before the murderous encounter, late in April, he was the recipient of a silver tea set at the hands of the citizens, in recognition of his services in 1849 for corporate reform, and to effect the union of the two towns of Memphis and South Memphis. About this time the prevalence of cholera at Nashville and other cities occasioned some disquiet, but the people were reassured by the press, which was vigilant in observing the course of the disease. The establishment of a cotton factory in Kosciusko, Miss., so near to Memphis, encouraged those who had been agitating the establishment of manufactories throughout the South and urged the people to thus take advantage of the immense resources in raw material, not only for textile fabrics but of minerals and of coal. The *Appeal*, which was constantly pressing upon its readers the resources of the South, was especially gratified to chronicle an enterprise that so admirably sustained what it had said relative to the manufacture of cotton goods. The people also found some comfort in the message of Mayor Hickman, who reviewed the financial condition of the city very favorably and suggested a revision of the ordinances, deprecating anything like a prohibitory tax on amusements, the circus especially, which was the favorite amusement of the people. The mayor also had some words of a friendly character for the free schools, which, though they had but a meagre support, had proven a most gratifying success. The people were thoroughly aroused to their support as a public necessity, without which no adequate or satisfactory progress could be made. The announcement on the 11th of July of the death of President Zachary Taylor made a momentary ripple upon the surface of affairs. On account of his attitude towards California and his general acquiescence in the policies of the northern Whigs as to the compromise question, he was not popular at the South, and although a few months after his death the people everywhere were in agreement with him, but little trouble was taken to call attention to the fact, and thus justify the brave old soldier's civil policy. The rancour and bitterness of partisan zeal and clamor would not permit of even so simple a measure of justice. The Memphis bar, largely composed of Whigs, some of them of northern birth and training, and the corporate authorities, did ample justice to the memory of the

dead president, who is now nearly altogether remembered as a successful soldier, whose sobriquet of "Rough and Ready" expressed the qualities that most ministered to that success. Among the evidences of growth to which the press toward the end of July called attention were "the elegant new wharf-boat of B. Shaw & Co.," which was an eye-sore to the people of North Memphis, notwithstanding all the rivals of Memphis had been swallowed up in victory. The Memphis Institute, of which Dr. R. S. Newton was dean, was pointed to as another indication that Memphis was to become an educational center. Dr. Newton, even then well known as a specialist, afterwards became celebrated for his successful treatment of cancer, and as the President of the Eclectic Medical College, of New York. He was eminent as a physician, and had he remained with the allopathic school in which he had been educated at Cincinnati, might have been more useful. Antagonising that and all other schools, he was forced in defensive warfare to give too much of the strength which he needed in the concentration of his powers upon the specialities which he never gave up, but pursued as he could and as his duties as the chief defender of eclecticism would allow. On the 30th of July Mayor Hickman appointed Drs. Shanks, Means, Booth, Hopson, Tuck and Murphy to form a board of health, a movement that some of the citizens had thought was too long delayed because of the risks that had been run by the prevalence of cholera. The physicians composing this board were among the most eminent in the southwest, and two or three of them were men of distinction. Drs. Shanks and Hopson, especially, were long held in high respect by the faculty, as well as the citizens generally, and their presence in the board gave great satisfaction. The schools of the city, private as well as public, attracted public attention afresh by the appointment late in August of Colonel J. W. A. Pettit to be superintendent of the public schools at a salary of $600 per year. He was the father and founder of the free schools, and had given two years of his time, without salary, to laying their foundations. He labored unceasingly, guided by a superior instinct for what was necessary to bring the schools up to something like a creditable standard and high condition of usefulness. He urged upon the city government the purchase of sites for school buildings while yet the land was cheap, but his entreaties were unavailable. He could enlist but few supporters for his schemes, even among those who were to be directly and immediately benefitted by them, and fewer sympathisers still among the wealthy. What few he had as helpers in a work so essential to the future of the city and the welfare of its people, were not men of political influence or weight sufficient to help him beyond the initial stages of his work. Mr. Eugene Magevney, a gentleman of education and a teacher himself, was among his most influentia helpers and advisers, and Dr. Fowlkes, who was conspicuous as a financier, writer and public speaker, Mayor G. B. Locke, an honorable, useful citizen, who was one of the fathers of the city, and Mr. J. Wright, were also ardent

assistants of a man to whose memory all who have been educated at the public schools should some day help in building a monument. To these gentlemen Colonel Pettit was largely indebted for the legislation by virtue of which the public school system has struggled through all the years that since have passed. His was a noble work, far reaching in its effects, purely beneficent in its purposes, yet he is almost forgotten. His sacrifices and his zeal have not been remembered by even so poor a reminder as the naming of a school building for him. Benevolent and unselfish, his great services for the education and enlightenment of the generations that were to follow him have been lost under the rubbish of material successes that have had their day and yielded in their turn to others as ephemeral and almost purely personal. But he was in his own day measurably successful. He not only had the gratification of seeing the free schools safely established in the public confidence, but also witnessed the growth of a healthy public sentiment favorable to local private schools. The newspapers were a unit in severe criticism and comment upon the parents who sent their children to be educated at northern schools and colleges, and an article from the Mobile *Register*, which pressed upon the southern people the education of their children at home, was republished as embodying all the arguments that could be advanced upon the subject. The newspapers, also, as pertinent to the current topic, congratulated the Memphis Institute on the arrival of Professor Hulce, who brought with him a telescope of great magnifying power. Two or three hundred pupils are promised because "no school in America ever opened with a better faculty." The *Appeal* also embraces the occasion to call attention to the Law Department added to the West Tennessee College, which numbered ninety students and had for its law faculty William B. Truley and Sam. McClanahan, also Judge Totten, who was to supply Judge Truley's place when absent; and the exceptional facilities and advantages of the University of Mississippi, at Oxford, were dilated upon, as also boasting a very superior faculty. Father Matthew, the great apostle of temperance, who had accomplished so much good for the poor, especially in Great Britain and Ireland, arrived in the city on the 6th of September, and was warmly received by the citizens. He was a devout Catholic priest, full of zeal for the church, and an enthusiast in the cause of temperance, which until he commenced what may be termed his crusade, had no organised basis in the world. Wherever he went he founded total abstinence societies, admission to which was obtained by pledges to temperance for life and to active labors as propagandists of a cause that, lifting the masses out of the slough of degradation inevitable under the too free use of intoxicating liquors, enabled them to realise that much of their then imbruted condition was due to habits which they could conquer, and which once conquered they seldom returned to again. Father Matthew's mission in Memphis was attended with the happiest results, and he found here as he had elsewhere in the United States, in his own country and in England

and Scotland, the heartiest support on the part of the men and women of Protestant faiths. He was the forerunner of all the movements that have since been successful, having for their object the curtailment and prevention of drunkenness, and his achievements were in many places so phenomenal as to be attributed to the possession and exercise of miraculous powers of persuasion and appeal and even of coercion and cure. But this he earnestly disclaimed. He had, he declared, no other aid than the help of God. His labors, wholly beneficent in their results, were, he devoutly believed, directly blessed by the Almighty. He could neither heal the sick, make the lame to walk nor the blind to see, yet multitudes flocked to ask his blessing, full of faith in his miraculous gifts in these respects as a divinely appointed missionary. Father Matthew, who was an Irishman of good family and high social connections, was rather under the medium height, but of good figure, and was plain and simple in his address and manners. He was strong in his use of words, direct in his purpose, and never failed of results, never failed to make converts, and generally in very large numbers. No missionary in modern times was so successful as he, and few in any age have left behind them as many hundreds of thousands to perpetuate their work and testify to its value. In Memphis he found work ready to his hand, and this he did thoroughly, making many converts, not by his eloquence but by his persuasion of the blessings of health, and capacity for labor of brain or hand that are the sure results of total abstinence from intoxicating liquors. He had no anathemas for those who rejected his message of healing for soul and body, even one failure filled him with sadness, but he hoped that these, too, would come in time to confess the force of his plain appeal for their good and join the great army whose members by contrast were making the brutishness of drunkenness more plain than ever. He gave his name to a society organised by his converts, and left his blessing to the people who had encouraged him so responsively. The newspapers, late in September, suspended their political bickerings long enough to indulge in some comfortable reflections upon the growth and prospects of the city, and they all of them agreed that diversity in manufactures was essential to a desirable increase in the white population. The *Appeal*, looking beyond the city to the county contributary to it, suggested the levying of the Arkansas side of the river as a means of making that "the garden spot of the Union." The William O. Lofland flouring-mill, the arrival of Captain "Charley" Church's steamboat, the *New Bulletin*, which received "a glad welcome," the launching of the steamboat *Jefferson* in November, the prospects of a public library, the publication of the *Western Medical News*, edited by Dr. R. S. Newton, and the organisation of the Memphis and Germantown Turnpike Company, of which George L. Holmes was president and Wylie B. Miller, treasurer, were among the enterprises that made the *Appeal* "prouder of Memphis every day." The Nashville *Union*, of the last week in October, spoke in praise of the improve-

ments in Memphis, but closes its article with "a fling at the cantankerous editors," who every day "boiled over" at each other. The West Tennessee *Whig*, published at Jackson, so long the capital and centre of West Tennessee, and which long regarded "Memphis as a place on the Chickasaw Bluffs," in a generous editorial speaks of Memphis and her progress in the most enthusiastic terms. "No city of the valley of the Mississippi," said the *Whig*, "which has sprung into being within the past fifteen years, presents so many signs of steady progress and improvement as Memphis." The New Orleans *Crescent* also conceded the rapid growth of Memphis, and referring to its increasing trade with Arkansas, said: "If Memphis already begins to attract the trade of Arkansas, we may bid it good-bye, for when the Mississippi and Atlantic Railroad (the Memphis and Charleston) is finished, Memphis promises to be the most important town in the Southwest, after New Orleans"—a prediction that has been fully verified. These commendations of the press were very grateful to the pride of the people who were beginning to realise the value of the municipal union of the rival cities. But the *Appeal*, always looking farther, asked: "Why Memphis has no Volunteer Company?" To this there was no response, perhaps because the "active military" spirits had embarked in the Lopez expedition to Cuba, which was then a principal topic on account of the rumored arrest of Governor Quitman, of Mississippi, charged with purchasing arms for it. Towards the close of the year there were some journalistic changes. J. Yancey & Co. sold the *Enquirer* to D. O. Dooley & Co., Mr. J. B. Moseley being the company. Colonel J. H. McMahan was announced as editor, and the *Appeal* had some pleasant personal allusions to him as an able writer. This was in September. In the first week of December Mr. William M. Hutton, late of the Nashville *American*, was announced as a part owner of the *Daily Appeal*, then in a very flourishing condition. The attractions at this time at the theater were Miss Eliza Logan and her father, and Dan Rice's circus "on the bluff." A fair at the Odd Fellows Hall for the poor netted $2,000; it was held under the auspices of the ladies of the city and was pronounced an "unprecedented success." On the 17th of December the *Appeal* discussed in an exhaustive editorial the proposed removal of free negroes from the State. It recalled the services of that class at New Orleans on the 8th of January, 1815, and said that if the South at this or any future time should need their services, it would confidently look for a display of patriotism that would shame the pale faces who sympathise with abolitionism. It advised their retention under police supervision, and that if they became too many in numbers the State should colonise them; where, it did not say.

III.

THE new year, 1851, opened very brightly for the young city, the United State census of 1850, then just published, stated its population to be 8,841; 6,355 white and 2,480 black, a remarkable increase when compared with the population of 1840, which was only 1,700. The Memphis and Charleston Railroad had been located along the line surveyed for the Memphis and La Grange Railroad, and the St. Agnes Academy, thanks to the generous help of Mr. Michael Magevney, had just been completed. The Memphis Institute was also written of enthusiastically by the newspapers. Lofland was making a first shipment of his flour to Nashville, and the proposition was revived to build a monument to the memory of Jackson on the Mound of Chisca, dedicated years before to that purpose by John C. McLemore. Letters by recent visitors to the city were being published, in which its astonishing growth was dwelt upon, especial stress being laid upon the very extensive boatyards in which many workmen were employed. Allusion by these was also made to the picturesque view of the Mississippi from the mound near which De Soto first came upon the Mississippi. Pertinent to this reference to early history the *Appeal* published a statement copied from a Quebec paper that some valuable relics, saved from the pillage of the Jesuit College of that city, had been brought to light and among them the manuscript account by Marquette of the discovery of the Mississippi, together with the good father's autograph journal with his chart of the Mississippi. This was deemed to be a great find at the time, and created quite a sensation in the literary world as a verification of historic facts already ascertained from other sources. But this was of merely momentary interest in Memphis compared to the completion of Odd Fellows Hall and the erection of a great block of buildings by Mr. R. C. Brinkley, and the new "handsome, commodious and very city-like" stores that were being opened on Main street, which was beginning to put on something like the appearance it now wears. The newspapers, too, were much elated over "the superb specimens of cotton shipped by Mr. Eli Rayner of Shelby county, to the London Industrial Exhibition, through Mr. William Muir, British consul at New Orleans." But the elation occasioned by all these things was for a moment rudely broken into by the murder of Recorder Chester, on the 2d, by a negro, who was in time killed by Chester's son. The sinking of the steamboat *John D. Adams*, at Island 32, and the consequent loss of one hundred lives, also tinctured the bright sky with a passing cloud and the *Appeal* made it the text of some comments on the relative merits of railroads and rivers for safety for travellers. It quoted some statistics to prove that railroads were then the safer of the two methods of travel. The annual number of passengers on the Mississippi was stated to be 500,000, and the

annual loss of life for several years to be 200 persons. On the other hand the travel on six of the principal railroads in Massachusetts showed that of 17,000,000 of travellers only forty-six had lost their lives. The fact that there was to be no observance of the anniversary of the battle of New Orleans, on the 8th of January, was the cause of some irritation and moved the *Appeal* to some remarks upon the ingratitude of republics. But politics were still, as the papers declared, "red hot." The tariff, the abolitionists, the State political conventions, the gubernatorial canvass, the proposed re-election of Governor Trousdale, and the approaching Union campaign in Mississippi were discussed, as were the more seriously threatening questions of non-intercourse and secession, many leading men conceding that the last was the only remedy for the South against the encroachments of the North. Abolitionism and colonisation were also discussed, but late in February these were all laid away to make place for the public rejoicings over the launching of the steamboat *Tippah*, and the announcement that a new wharf-boat was on the stocks, and evidenced the necessity for a floating dock. "E. F.," writing to the Nashville *Union* about all this, "refers most encouragingly to the growth of Memphis, but deplores her muddy streets." The *Eagle*, under the management and editorial direction of Parham and Pryor, who had succeeded F. S. Latham and E. J. Carroll, was waging a vigorous battle against the *Appeal*, in defence of "the Whig doctrines," which were "very odious" to that "wheel horse of the Democracy." Both Mr. Latham and Colonel Pryor were men of ability. The former, an Englishman by birth, and a practical printer, was inclined to be testy and easily irritated, but was very enterprising, and while maintaining Whig principles with almost irresistible vigor and great independence, suggested many enterprises for the good of the city, and did all that was possible to him to "push its fortunes." Colonel Pryor was a voluble, but also a valuable writer. He was remarkable for his use of an ordinary vocabulary, and like all the men who have been so honorably and highly connected with the press of Memphis, was instant in its defence and for its advancement. To him and to the men who have preceded and have followed him as editors of daily papers, Memphis owes more than it can ever repay. In March the location of the depot of the Memphis and Charleston Railroad, the construction of the St. Francis plank road, the floating docks, the building of more dwellings and store houses, and the revival of the Jackson and Washington monuments, were subjects for felicitation. President Fillmore's message, the Democratic State Convention at Nashville, the *Appeal's* difference with Representative Stanton, the public debt, Jacob Thompson's address to his Mississippi constituents, the removal of the county seat from Raleigh to Memphis, and Jefferson Davis's speech defining the position of Mississippi, were the leading political topics of the month. The return of General Quitman from New Orleans was a special excitement and was the occasion of much rejoicing in Memphis where there

were many sympathisers with Lopez and his enterprise. Suspected of being an active aid and assistant of the filibuster, he was threatened with arrest, whereupon he immediately resigned the office of governor of Mississippi and accompanied the United States marshal to New Orleans, where General Lopez was a prisoner. But he was very shortly after released, the attempt to procure evidence proving abortive. He was received as if a conqueror and was feasted and toasted as the hero of the hour. The Democratic party subsequently nominated him for governor, but on the people, through their delegates to a State convention, condemning his opposition to the compromise measures, he withdrew, but he still remained a popular idol. Born in Dutchess county, N. Y., in 1799, he removed with his parents at a very early age to Ohio, where he was reared and educated. There he studied law and was called to the bar, and thence removed to Natchez in 1821. He served in the Legislature, also as chancellor of his district, was commissioned a major-general of militia, participated in the Texas revolution, and as brigadier-general in the United States army, served through the Mexican War, after which he returned home and was elected governor almost by acclamation. He was idolised by the people of the Mississippi Valley, and was one of the most ardent and best equipped of the State's rights leaders. The death of Captain Shreve, who commanded the first steamer that ever ascended the Mississippi River, was announced on the 21st. He had served with General Jackson at the battle of New Orleans and was the trusted repository of many of the secrets of the great commander. A concert by Jenny Lind, on the 14th of March, the receipts of which amounted to $7,000, created a sensation and aroused "the enthusiasm of all classes." The newspapers contained very moderately worded criticisms of the great singer, the greatest of the century, they scanted their excess, but the marvellous vocal and ventriloquial power of the nightingale was embalmed in the adjectives of enthusiastic correspondents, who exhausted themselves in admiration of her as a woman as well as artist. The campaign in Mississippi, and Whig and Democratic meetings in Tennessee, and the excited state of the South generally, monopolised public attention in April. Disunion and Southern rights, the fugitive slave law and its enforcement at some places at the North, Madison's remarks in the Virginia Convention of 1788, Webster's Faneuil Hall speech, nullification and the advancing wave of anti-slavery propagandism, were the leading topics with the newspapers and public speakers. The *Appeal* broke away from this discussion on the 22d long enough to enjoy its tenth anniversary and thank the Democracy of "this and the adjoining States for a generous support." But this joy was cut short on the 24th by the death of its editor and founder, Mr. Henry Van Pelt, who had been a noble figure in the social and political affairs of the State and city. Devoted to his profession, and singularly unselfish, broad and sympathetic, he was deservedly popular with the people, who readily forgave any differences they

might have had with him in view of his enthusiasm for Memphis, and his readiness to help and support anything that had its enhancement and upbuilding in view. A strong, clear, vigorous, and forcible writer he entered into controversy with zest, but was careful to avoid those personalities which at the time were too freely indulged in by the press. He had too high an estimate of his calling to derogate for a moment from its dignity, and he knew by the folly of others that contention and billingsgate and street fighting, or duelling, only had the effect to elevate those addicted to either in the estimation of the groundlings, the inconsiderate few who enjoyed a fracas as they would a dog fight. Mr. Van Pelt was kind and considerate of the feelings of others and was mindful of his own. He was genial and affable in his intercourse, and was looked up to and is still recalled as a sagacious and prudent leader. He is justly regarded as the father of the Memphis press. On the 19th of April a railroad to Louisville, 380 miles in length, was projected and became a subject for discussion; and "Master" Thomas, a violinist of some promise, who afterward resided in Memphis and taught music for a short time, gave a concert on the 29th at Odd Fellows Hall. Then on the threshold of his career, Mr. Thomas has since achieved eminence as among the first of modern orchestral leaders, perhaps the first, a man gifted with inexhaustible resources as a musical director, in drilling masses of musicians to the easy and effective grasp of the intricacies, the rhythm, modulations, tempo, and color of the compositions of Beethoven and master composers of a less degree of power and expression. The month of May was a very stormy one for the politicians. The State canvass and the campaigns in other Southern States, the preparations in Mississippi for what was regarded as a secession State convention, the alarming news from South Carolina, where troops were being drilled and the general public voice was for secession, intensified the political excitement that prevailed in Memphis, growing out of the compromise acts. State's rights was the theme with even moderate thinking men, and secession was the openly agreed alternative. No public man could hope for preferment or popular approval who did not reach to these extremes, and with fervor. The Virginia and Kentucky resolutions of 1798 were published as justifying these political movements. The *Appeal* applauded the pluck of South Carolina and hoped "she would avoid any extreme movement," at the same time that it copied the prediction of the Baltimore *Sun* that Charleston was to be the place for the first movement towards secession. Notable among the literary productions of the time is a letter from Mr. James Buchanan, of Pennsylvania, to the Central Southern Rights association, regretting his inability to address that body, but in which the *Appeal* was gratified to find many points of unanimity. The alien and sedition laws were republished with "appropriate comments," and the New York *Tribune's* views of the fugitive slave law. But turning from this the papers devoted some space to the agitation of the question of the

proposed railroad to Louisville, upon which Governor A. V. Brown wrote a letter to Colonel J. T. Trezevant, who was then the accepted leader of the enterprise. "Plank streets" were also discussed by correspondents, who insisted that something should be done to "get the city out of the mud and mire." Parodi, the great lyric artist, the niece of Pasta and rival of Grisi, who was so heroically identified with the movement for liberty in Italy in 1848, gave a concert on the 22d and was almost as enthusiastically received as Jenny Lind. The cultivated musical people were especially enthusiastic over her. The sudden death of and burial of Judge Turley, in the last days of the month, was a severe and painful shock to the community. He was esteemed as the most eminent citizen of Memphis and was first among the members of the bar. He was one of the most scholarly lawyers the State has ever known. As judge or practitioner he was equal to any emergency, so thorough was his training and so perfectly was he grounded in the fundamental principles of law. His general knowledge was also extensive. An omnivorous reader, and blessed with a most retentive memory, he possessed an encyclopedia of information which he could draw upon at will. He sat upon the supreme bench of the State with Nathan Green and William R. Reese, and it is one of the traditions of the bar that this was the most distinguished trio who ever occupied that exalted place. At the outset of his career Judge Turley was a member of the bar of Montgomery county, and there laid the foundations of his brilliant career. He served as Circuit Court judge, of the circuit of which Clarksville was the centre, and for a few years before taking his seat in the Supreme Court, where he was distinguished for an even disposition, his exact knowledge, his enlightenment, his polished diction, his superior logical and reasoning powers, and his wonderful ease and facility in the discharge of business. At the time of his death he was judge of the Chancery and Common Law Court of Memphis, a position which he held by unanimous consent and request of the bar and the people. Judge Harris was appointed to fill the vacancy occasioned by the death of the much lamented Turley. Early in June Governor Jones received a letter from a citizen of Charleston announcing that a request would be made of the council of that city to subscribe $250,000 to the Memphis and Charleston Railroad, and the *Appeal*, the *Eagle*, and the *Enquirer*, equally devoted to the interests of the city, discuss its manufacturing prospects. The former is especially urgent in the matter and calls attention to the cotton mill and the soap factory on Wolf River, and commenting on these improvements quotes the New York *Herald's* recent article on the power of the South through and by its cotton crop to control the destiny of the republic. Renewed interest was manifested in the proposed public library, but nothing tangible was done towards an adequate foundation. It was all "talk." The political discussion was mainly confined to Fillmore's administration, the fugitive slave law, and Webster's Buffalo speech, which the *Appeal*

condemned, and with it the administration, and it forced its Whig opponents —the *Eagle* and the *Enquirer*—to a "bold and unequivocal condemnation" of both. The *Appeal* thus succsssfully criticised with severity all who favored the free-soil tendencies of the administration, especially the southern defenders of the compromise who fraternised with the free-soilers, whom it charged, quoting John Van Buren as authority, with a determination to repeal the fugitive slave law at the next meeting of Congress. It was especially severe upon Judge Campbell, a noted Whig leader and the candidate of that party for governor, who in a recent speech nominated Fillmore to be his own successor as president, and offered a "peace offering" to the North, which was an additional reason for its ire and aroused it to the boiling point. It declared that a man entertaining such sentiments was utterly unworthy of any political trust. It quoted from the "immortal Jackson," who in his Farewell Address declared that the Union cannot be preserved by coercion, but by encouraging the fraternal attachments of the various parts of the country. In another editorial it expatiated on the insulting discrimination against the property of the southern people, "which Congress is not content with but goes farther and adds to the injustice and insult the exercise of the power to liberate and free the slaves." And in still another editorial, quoting from the Nashville *Banner* a paragraph in regard to the depression among the northern manufacturers, the *Appeal* sarcastically pictured them as "coming into the next Congress whining for Southern votes for increased protection." The *Appeal* was very bitter in those days, but it was also logical and therefore unanswerable. It was managed and edited with conspicuous ability by John R. McClanahan and Edward Pickett, who had for their motto, "*Mon Dieu et mon droit.*" Charged with openly advocating secession by the Nashville *Banner*, they responded in the issue of the 28th and said: "To have alleged that we advocated the right of secession, would have been a charge we would have been proud to acknowledge, but to say we are openly for secession, or as the words import, in favor of the exercise of the right for anything that has occurred, evinces either great brilliancy of imagination in the writer, a stupid intellect, or a reckless disregard of the truth." This was "fighting language," but nothing came of it. The Bolivar, West Tennessee, *Democrat's* nomination of Daniel S. Dickinson, of New York, for president, and Jefferson Davis for vice-president, published in the *Appeal* of the same issue, without comment, was an offset to the ticket it had reproduced in a previous issue from Brownlow's Knoxville *Whig*, nominating Fillmore for president and William B. Campbell for vice-president. The renomination of Stanton for Congress by a Democratic convention, held at Brownsville on the 8th, was very generally endorsed by the people, who appreciated his devotion to their interests. He was an intelligent and useful representative, and enjoyed the confidence of his party. A lamentable result of the political excitement of the times, which was even participated in by college

students, was the duel fought by General Freeman and Judge Smith, of Mississippi, neither of whom, however, was killed or fatally wounded. Both gentlemen were well known in Memphis. The 4th of July, perhaps in view of the political and threatening exigencies of the day, was celebrated with more than usual fervor. There was a picnic at the Jackson Mound, at which one of the Democratic editors of the *Appeal*, Mr. Ed. Pickett, was the orator, and there was a plank road barbecue at Lemuel Farrar's, at which Colonel Robertson Topp, a distinguished Whig, spoke. Both gentlemen touched upon "the issues of the hour," tempered by the memories and patriotic associations of the day. On the 7th Colonel W. H. Carroll, son of the late Governor Carroll, was nominated for the Legislature by the Democrats of Shelby county, but, finding himself ineligible by reason of the constitutional requirement of three years' residence in the State, declined on the 9th, and Major Winchester, son of one of the founders of Memphis, was at once suggested, and was nominated on the 15th. Colonel J. H. McMahon, who was nominated by the Whigs of the county on the 10th, for the same place, also declined it the next day on account of ineligibility. The canvass between Coleman, the Whig candidate for congressman, and Stanton, the Democatic candidate, was attracting some share of public attention, but the "approaching presidential contest," and the probable nominees of the party overshadowed and dwarfed everything else, in view of the compromise and the fugitive slave law, which at the North proved to be a veritable fire-brand, and was denounced by northern Whig orators as making the northern people responsible for the sin of slavery long after they had washed their hands of it. The *Appeal* dreaded the disastrous effect Campbell's election as governor of the State would have upon the South, on account of his open endorsement of the avowed free-soil president, Fillmore, and on that account it redoubled its efforts to win votes for Truesdale, the Democratic candidate, who as a soldier and citizen was endeared to the people of Tennessee. It also took great comfort from the speech of Secretary Webster, delivered at a banquet given him at Capron Springs, Va., where it held he endorsed the right of secession by saying "that if the northern States refuse willfully and deliberately to carry into effect that or any other part of the constitution, the South would no longer be bound by the compact. A bargain broken on one side is broken on all sides." Mr. Webster spoke of the constitution as a compact, of course between the States as equals and equal sharers in its benefits and blessings. This speech greatly mollified the Memphis Democrats towards "the God-like Daniel," as Mr. Webster was affectionately termed by his admirers, but they still continued to inveigh against Fillmore and against the free-soil Whigs, those of Pennsylvania especially, who had just at that time made themselves very obnoxious by the promulgation of resolutions that were denounced by the Nashville *True Whig*, which repudiated "such spurious republicanism, such mobocratic incendiarism." Varying the dead monot-

ony of the vitriol-like virulence and violence in public speeches, and opposing editorials and letters "to the editor," the newspapers gave accounts of the duel at New Orleans between Dr. Hunt and Mr. Frost, in which the latter was killed; and also the encounter between General Quitman and Senator Foote. Commerce and trade were silent during the "dog days." In the phraseology of the day, "there was nothing doing," and everybody was given to politics, the hot weather being an additional excitant to angry disputes, out of which grew many personal enmities that were not reconciled until all the people were united in 1861. The only variation to this uniformity of political discussion was the news from London that Colonel John Pope's bale had taken the first prize for cotton at the World's Fair, the first of a long series of similar enterprises by England and other civilised nations. On the 9th of August the *Appeal* expressed the satisfaction of the Democratic party over the result of the election. Winchester and Currin were elected to the Legislature, the latter as floater. Dunlap was elected to the Senate, and Stanton was re-elected to Congress. But this joy was not without its dash of bitterness. The "hated" Campbell, who had put the free-soil Fillmore in nomination for president, defeated Truesdale, the Democratic nominee, and was elected governor. General Campbell was a man of unusual capacity as a public speaker and lawyer, and had won distinction as a soldier in the Mexican War, where he served as colonel of the Second Tennessee Regiment of infantry. The rejoicing indulged over the triumph of the American exhibitors at the World's Fair was "cut short" by the death of Major-General Gaines, who was one of the idols of the day, especially in Memphis, where he had been conspicuous as an enterprising citizen, the first in every effort for the advancement of the city's interests. He died full of years and honors. On the 13th a meeting was held in Court Square, and a collection was ordered taken up in aid of the movement by Lopez and others for the independence of Cuba. A committee appointed for that purpose was composed of many of the leading citizens: Messrs. Wardlow Howard, Miles Owen, M. B. Winchester, William L. Folwell, Robertson Topp, Ed. Munford, P. G. Gaines, U. B. Saunders, J. S. Webb, Sterling Fowlkes, William H. Carroll; chairman E. M. King being afterwards added. This movement for the liberation of Cuba was of a character similar to that which resulted in the independence and annexation of Texas. It was a bolder movement, because it was not preceded by the immigration by which the Texans acquired the right of revolution recognised by the Mexican constitution. It was more after the manner of the bucaneers or filibusters, who, in the sixteenth and seventeenth centuries played havoc in South and Central America. A band of men was organised at New Orleans, who, eluding the vigilance of the Federal authorities, were to make a descent somewhere upon the Cuban coast, erect the standard of revolt, and declare for the freedom of Cuba. This was so well and so generally understood that the people were astonished that some notice

of it was not taken before the arrest of General Quitman, who, with Lopez, was able to defy the authorities because the people of the Southern States, through which the Mississippi flows, were in sympathy with them, as this bold and spirited declaration of the Memphis meeting made apparent. The spirit of adventure was abroad, and there was a great deal of uneasiness and disquiet, and thousands of young men were ready for any enterprise that promised reward of money or territory. The doctrine of "manifest destiny" was a cardinal one, especially with Democrats, who easily placated their consciences in consenting to or conniving at filibustering movements, by the conviction that by annexing territory they were conferring the benefits of the American methods of government on the "mongrel" inhabitants, which they thought was compensation enough for the loss of their independence and sovereign power. That the people who helped the Texan revolutionists would help the Cuban patriots, as the filibusters were denominated, was a thing to be expected. Hence the readiness and eagerness of the Memphians, who were as bold in their avowal of sympathy with an attempt upon the peace and dignity of Spain, a power at peace with the United States, and the treaty stipulations with which were enjoined upon all the citizens of the republic as having the force and effect of the statutes of the United States, as they were when ten years earlier they were, at similar meetings, calling for volunteers to help their fellow-citizens of the republic of Texas to achieve their independence. But this was an inherited tendency. The people of England from the days of Drake and Morgan in the Gulf of Mexico and along the Pacific and South Atlantic, and the conquests of Clive and Hastings, in East India, were, as late as 1815, noted for their filibustering enterprises and their countenance and connivance at piracy and slavery. With them British civilisation was the best in the world, and people who were too weak to defend themselves must have it whether they liked it or not. It was England's manifest destiny to take and occupy whatever of the earth she needed. This sense of destiny and power to bequeath it from English sires to American sons was a dominant one at the South, where also there was a continual thirst for territory for the extension of slavery, a thirst which just at this time was greatly aggravated by the passage of the compromise measures, which were still being fiercely denounced. But there were not wanting Souther nWhigs who combatted the arguments and purposes of the extremists. One of these, Mr. Jere Clemens, a member of Congress from Alabama, and a writer of some distinction, was afterwards, for a few years, a citzen of Memphis. He made a speech at Montgomery at this time, in which he said that "the Southern men who opposed the compromise measures should hang their heads in shame." This, which the *Appeal* combatted in unusually mild terms, by the votes in the House and Senate on the compromise acts, and the generally prevalent opposition at the South to those acts, was offset by the declaration of Mr. Ritchie, the venerable editor of the

Richmond *Enquirer*, that "if the Federal government shall attempt to carry out the consolidation doctrines of Mr. Webster against South Carolina [which had prepared itself for an extreme emergency], it makes an issue of arms out of the whole South." The *Appeal* adopted these words as its own and with them this other sentence, that "the denial of the right of secession converts this into a government of unlimited powers, which Jefferson tells us is an evil far worse than disunion itself." The protection, perpetuity and extension of slavery had become, by force of circumstances, the paramount question with the people of the South, and as a consequence, the lines were drawn closer around the negro slave, and were more clearly defined between the two sections. The *Appeal* in this spirit and representing the public will, objects to the existence of Sunday-schools where negro children were taught to read. Under the head of "Ebony Schools" it discussed very warmly and earnestly the injudiciousness of teaching the negroes to read. Thought "it would finally be the death blow to slavery, as no enlightened man could be a contented slave. In view," it continues, "of the present great agitation affecting this subject, it is necessary to be vigilant. Let slaves, by all means, receive religious instructions, but let it be given orally and in no other way. In South Carolina and Louisiana," it concludes, "to teach slaves to read is a penal offence." On the 28th the *Appeal* published the particulars of the defeat of the Lopez expedition, and the execution of fifty of the leaders and imprisonment of the rest. The party, numbering five hundred, eluding the vigilance of the Federal authorities, sailed from New Orleans and landed safely in Cuba, where, on the 16th, they were confronted by a superior Spanish force and routed, with the result stated. The Memphis papers were unanimous in their condemnation of the execution of the misguided men. But some of the Whig papers of the State and other Southern States, when they were not silent, defended the administration in acquiescing in the slaughter of the "lawless invaders." The *Appeal* denounced this practical view of the matter, and insisted that these emigrants to Cuba had a perfect right to join with their fellow-citizens of that country in their struggle for independence, and were not, therefore, to be considered or treated as filibusters or invaders. To assume such a position for them was to deny the well-established doctrine of this government announced by Monroe, that contests between Spain and her American colonies are not to be treated by the United States as ordinary rebellions or insurrections, but as civil wars, between parties nearly equal. Memphis was directly interested in this movement. Two of the companies then encamped below New Orleans, under command of Captains Kenton and Edwards, were largely composed of men from the city and vicinity, and some of those captured, imprisoned and executed were well known to the people. This ill-starred Lopez expedition was, therefore, as one of the citizens at the time wrote, "a home affair." Hence the public meetings and subscriptions in aid of the filibusters, who were giving the admin-

istration and the public generally a great deal of anxiety. A second meeting, held at Odd Fellows Hall, on the last Saturday in August, "denounced the massacre of American citizens in Havana, and appointed a committee to secure substantial aid for the Cuban patriots now engaged in a war for liberty." This committee, and another on resolutions, embraced many of the leading citizens of the city of both parties. Colonel J. H. McMahon, the leading Whig editor, was chairman of the committee on resolutions, and Colonel John R. McClanahan, the leading Democratic editor, was one of the secretaries of the meeting, of which the mayor was chairman. The representative in Congress, F. P. Stanton, and J. T. Trezevant, George W. Smith, Miles Owen, James H. Morgan, William H. Carroll, J. S. Ayres and D. M. Currin formed, with Colonel McMahon, the committee on resolutions; and among the vice-presidents were Representative Winchester, and Judges King and Trigg, and ex-Mayor Enoch Banks. Everything else was, for the time, laid aside by press and people, who could not find words strong enough to denounce the "butchery" of the lovers of liberty, who had been so basely deserted by "our government," and "declared outlaws by Fillmore," and the American consul, who "displayed such criminal and dastardly indifference to the fate of the captives." For the companies of Captains Kenton and Edwards, which were disbanded, as a necessary result of the failure of Lopez, a generous subscription was taken up, and the men were thus enabled to reach their homes. Every day developed some new phase of the dreadful tragedy. The last and pathetic words of Lopez, "Adieu, dear Cuba," furnished fresh occasion for lament and execration; but the last letter of Colonel Crittenden, a distinguished soldier of the Mexican War, who embraced Lopez before he was shot, in full view of the officers of the American sloop-of-war, *Albany*, fell upon the public ear like the appeal of a brave man, and the denunciations grew fiercer and more bitter. But these mounted to the heights of frenzy when a letter from one of the officers of the *Albany* was published, in which he said: "I saw these fifty men, bareheaded and almost naked, and bound, marched down under the flagship's gangway on the side next to and not two hundred and fifty yards from the *Albany*. . . . Heaven forbid that I should have to witness any more such executions as that of this day, all the preparations for which were so ostentatiously made right under our flag." Upon the reception of this much wild talk was indulged in, and a great invasion of Cuba was suggested, President Fillmore being heartily denounced for removing the collector at New Orleans for permitting the departure of the *Pampero*, with Lopez and his men, and consistently retaining the consul, who obeyed the laws and followed his instructions. But this denunciation took on a warmer color when it was announced that the president had ordered the sloop-of-war *Saranac*, to the coast of Cuba, "with positive instructions to intercept and capture any vessels from the United States engaged against Cuba." Fillmore, for this, was denounced as "despotic and deserving of the execration

of every American citizen." The *Appeal* also ridiculed, as farcical, the charge delivered by Judge Catron, of the United States Court, who charged the grand jury of the Nashville district to deal severely with all filibustering combinations against powers with which the United States were at peace. It grew more and more indignant over the bloody drama,—the late Cuban butchery,—and had no patience with the Federal judges, juries or officers who impeded the filibusters who were organised to avenge the death of the patriots. It confessed to feeling "a thrill of horror and indignation at the violation of humanity and law, and a pang of shame at the degradation of our government before the world. The Cuban authorities themselves pleaded the authority of the president of the American Union, who declared them pirates. Fillmore considered Spanish law in advance of the action of the Spanish authorities, and forgets the law of the United States which declares such expedition but a misdemeanor. . . When the contest between Spain and her colonies on this continent was in progress, Mr. Monroe, in his annual message, in 1817, used this language: 'Through every stage of the conflict the United States government have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights. Our ports have been open to both; every article, the fruits of our soil or the industry of our citizens which either was permitted to take, has been equally free to the other.'" The *Appeal* contrasted the conduct of President Monroe, as thus stated, and rather inconsistently, with that of President Fillmore, who, in all that he did was simply trying to preserve the neutrality of the United States as Monroe did, and prevent munitions and men from this country being landed in Cuba to aid the patriots. The *Appeal*, "with a thrill of pride," closed this long, strong and enthusiastic editorial with one of the resolutions prepared by the Whig editor, Colonel McMahon, and unanimously adopted by the mass meeting at Odd Fellows Hall, on the 30th of August, which "*Resolved*, That while we desire to see our national government fulfill honestly and in good faith all its obligations as a neutral power in all such contests, yet it is our opinion that it cannot be held responsible for the acts of such of its citizens as chose to abandon its protection in order to join some other people, and that any attempt to make itself so by pursuing them after they have left our shores, is contrary to its genius and not in accordance with the spirit of our institutions." But all this turmoil and trouble gradually came to an end. There were dropping shots of anger and controversy, the results of the statements of escaped survivors of the wretched affair, who bore willing testimony to the fidelity of Lopez, and the gallantry of his American troops. Parallel undertakings at other periods in history were revived to palliate, if not justify, the filibusters, among these the expedition of the pirate and freebooter Morgan, who, in 1669, cap-

tured Havana and laid it under contribution, being subsequently knighted by Charles II. It was also suggested, with something like glee, that the Lopez expedition was not any worse in fact than General Scott's proposed annexation of Canada was, in theory. General Lopez, the author of this woe, was a native of Venezuela, where he was born of wealthy parents, in 1799. During the revolution in that country, under Bolivar, he, though quite young, entered the patriot army and fought with it for some time, when for some reason, not stated, he deserted and joined the Spanish army. Before peace was declared he had reached the rank of colonel, though only twenty-three years of age. When the Spaniards evacuated Venezuela he went to Cuba, and afterwards to Spain, where he served on the staff of General Valdez, and ultimately was made governor of Madrid, and sat in the Cortez as senator from Seville. He made the condition of Cuba his special study, and when the Cuban delegates were expelled from the Cortez they induced him to return with them. There he held several positions of honor under his friend, Captain-General Valdez. These he gave up, and retiring from the army took charge of a copper mine in the Central Department, where, brooding over the woes of his adopted country, he formulated a programme of liberation which he twice attempted to carry out, but was foiled, first, in the Round Island Expedition, and afterwards in that of Bahia Honda, which ended in his capture on the 27th of August, and his death by the garrote, at Havana, on the 1st of September. Lopez deserved a better fate, but he was the victim of self-deception. There was no movement in Cuba, nor anything like a popular discontent such as would justify his invasion, and he was reprehensible in inviting the aid of the Americans for a cause that had no tangible or real existence. He made his own cause the cause of Cuba, issued his pronunciamento, and taking advantage of the angry and menacing dispute in the United States over slavery and the compromise measures, induced many influential Southerners to believe that Cuba, like ripe fruit, was ready to be plucked by the first strong hand that reached for her. There never was anything like a popular uprising such as would justify any body of Americans enlisting in her behalf, nor was there ever any declaration for liberty, for separation from Spain, such as would entitle a claim upon the sympathies of the people of the United States. But even though there had been a popular uprising, inviting and appealing for foreign aid, President Fillmore was right in doing what he could to preserve the neutrality of the United States, and following in the footsteps of Monroe, in 1817, whose words were so often misapplied, prevent any aid in men, money or material reaching either the Spanish army or that of the Cuban insurgents.

IV.

IN September the political topics of greatest interest were the approaching presidential conventions, the announcement of candidates to be presented to them, and the elections in Mississippi, which were of unusual interest to the people of Memphis. The political complexion of the delegates elected to the convention of the people of that State was a sore disappointment to the Democrats. The Union men had elected seventy-seven of their candidates and the State's Rights party had only thirteen. This "unlooked for disparity" in strength induced a meeting of the latter party at Canton on the 13th, at which resolutions were adopted declaring that the result of the recent election was not a decision by the people of Mississippi in favor of submission to the so-called compromise measures passed by the Thirty-first Congress; on the contrary, that a large and patriotic portion of the people voted against the convention, under the belief wrought into their minds by false and increasing denunciations of aspiring demagogues that the Democratic State's Rights party advocated the convention as a means of destroying the Union, and that the true issue was union or disunion; that it was their deliberate opinion that a great majority of the people of Mississippi were in favor of the principles and polity set forth in the resolutions of the Democratic State's Rights Convention of the State in in June, and that it was the duty of the people to call upon a standard bearer to maintain that platform in place of General Quitman, who had declined the candidacy.[1] The Hon. Jefferson Davis was thereupon nominated for governor "as the man for the crisis, whose devotion to the constitution, his elevated patriotism, his distinguished ability, his exalted private worth and his burning eloquence pre-eminently fitted him to be the standard bearer of the just and glorious cause. His country calls him and he cannot, will not decline. He came to the rescue at Buena Vista, and will now come when his beloved Mississippi summons him to the breach." This nomination proved to be acceptable to the Democrats generally, and it was officially proclaimed by the State Democratic Executive Committee. Mr. Davis, first resigning his seat in the Federal Congress, accepted the nomination in a letter to Mr. E. C. Wilkinson,

[1] General Quitman had accepted the nomination of the party upon a platform opposed to the endorsement of the compromise measures, but upon this declaration by the people that they acquiesced almost unanimously in the acceptance of these measures as a finality of the slavery question, he withdrew and was succeeded by Mr. Davis, who accepted the nomination on the platform of the Canton meeting, notwithstanding he had in Congress opposed the compromise as "being at variance with the general purposes of the Union and so destructive of the harmony and mutual benefit which the constitution was intended to secure." Mr. Davis was more tractable and was not so impetuous as General Quitman, who was still suffering from the indignity of his attempted arrest by the administration for assisting in the organisation of the Lopez expedition.

chairman of that committee, and at once entered upon "the duties of the canvass." The *Appeal* on the 30th, in a stirring editorial, congratulated the Democrats of Tennessee and Mississippi on Mr. Davis's acceptance, and eagerly "enlisted for the campaign" in which he was opposed by Senator Henry S. Foote, who was a zealous defender of Clay's compromise measures. This campaign is still recalled as one of the most exciting in the history of Mississippi, and it enlisted and engrossed the attention of the people of Memphis, many of whom had been citizens of that State, but nearly all of whom had "business and social relations" with its people, who were thus "fighting out" the national issues, which were also disturbing and exciting the people of New York then holding Whig and Democratic conventions at Syracuse. Politics absorbed both sections, and both were looking forward to the presidential conventions, which were to be held in 1852, and which it was generally hoped and believed would do something to restore confidence and the comity that had once existed between the States. Among the eminent men named as likely to "lead the contending hosts" as presidential candidates were General Scott, of Virginia, Daniel Webster, of Massachusetts, Millard Fillmore, of New York, Andrew Jackson Donaldson, of Tennessee, Samuel Houston, of Texas, and James Buchanan, of Pennsylvania, who, with Governor William Truesdale for vice-president, was nominated by the McMinnville *Central Argus*. Donaldson was much ridiculed by the *Appeal*, and his correspondence in the New York *Herald* was declared by that paper to have "set the whole Whig party in one immense and universal giggle," and subsequently to be "regarded with holy horror." It was impatient of any variation from the standards of the State's Rights party, and was especially so at the efforts that were being made by the "native Americans" and other and similar organisations to divert attention from the momentous issues, and by distracting the people rob "the two great parties" of many votes "without doing the least good." But it found some consolation for the increasing confusion that was thus beclouding Federal affairs in a report of the great secession meeting held at Charleston, S. C., on the 17th, which found its way to Tennessee by the 29th, from which it appeared that the secessionists of that State, who were in earnest and were outspoken, had adopted resolutions and an address pointing to secession as the remedy for existing evils. At this meeting letters were read from John Forsyth, of Georgia, advising "immediate secession," and also from Mr. Gayle, of Alabama, Mr. Black, Mr. Kille and General Jamison, of Orangeburgh. The *Appeal*, looking nearer home, also found some comfort in the mooted candidacy of Milton Brown, of Jackson, for United States Senator. As the Whig party had a majority in the Legislature on joint ballot, and a statesman of that party was to be elected, it "favored Mr. Brown because he was the author of the Texas annexation resolutions," and it declared that "the Whigs by his election had an opportunity to make amends for their bitter

opposition to that great Southern measure." During the first two weeks of October attempts to enforce the fugitive slave law at Syracuse, N. Y., and Christiana, Pa., was a fresh cause for excitement. A fugitive slave named Jerry, who was arrested in Syracuse, was taken from the officers by a mob armed with clubs, but was finally re-arrested with the aid of the local police. A second rescue was organised, but it proved abortive, as the negro was removed by the officers. P. J. Lier, the claimant of the negro, was subjected to many indignities, and was for a time in peril of his life and was finally arrested as a kidnapper. About the same time a fugitive slave was rescued from "the clutches of the law" at Christiana, where many of the rioters, among them some free negroes, were arrrested and committed, charged with the crime of treason against the United States. This indictment for the highest crime known to the law the *Appeal* had the sagacity to perceive would fail. It could not be sustained, and failing would prevent the trial of the rioters for murder of which they had been guilty. They could not be put in jeopardy of their lives twice for the same offence. This proved to be the case, and gave color of reality to the predictions of leading southern men that the act would ultimately fail. The people of the South were as indignant at these miscarriages of law as the anti-slavery North was jubilant, and the *Appeal* declared that nothing that the South could do would change the current and tendency of the Northern mind towards abolitionism. "Unconditional submission" had in every case proven "an invitation to further aggression," that a victory of those whose only motto was "the glorious Union" would be received at the North as evidence that the South was prepared to submit to all things for the sake of the Union. "In 1850 Georgia submitted and the rescue of the slave Shadrach was the answer; Alabama submits, and we have the Christiana tragedy; Mississippi submits, and the Syracuse rescue legitimately follows; Georgia again submits with exultation, and the great Whig abolition organ of the North—the New York *Tribune*—proclaims triumphantly that the slavery propagandists have been defended by the triumph of the Union ticket." The troubles thus arising from the enforcement of the fugitive slave law, which it will be remembered was one of the compromise measures, were an aggravation of the feeling of uncertainty and disquiet that prevailed at the South, and made everything for the time seem insecure. It also aroused the people of the North as they had never been aroused before. Search was being made in many of the States for slaves who had been as long since dead to their masters, and the "hunt" for these, prosecuted, as it must have been in any case, with the whole power of the law, seemed to every one in the least tainted with anti-slavery sentiments, to be vindictive, and a growing feeling of opposition to the law was the result. Personal liberty acts were revived in many of the States, and in many places the Federal officers were opposed by mobs of people, whose defiance increased and intensified their hate and detestation of the "nigger

catching act." As this opposition grew, the zeal of the authorities to enforce the law grew with it, and the consequence was the rapid recruitment of the anti-slavery party from the ranks of the Democratic as well as Whig party. The act which was thus proving another and the most effective wedge in the separation of the North from the South, was "horribly minute."[1] It conferred (1) the power of Federal judges on commissioners; (2) territorial courts could appoint such commissioners; (3) commissioners were to be increased by the Federal courts so that ample facilities for the enforcement of the act might be at hand; (4) commissioners were given concurrent jurisdiction with the Federal judges in giving judgment to claimaints, ordering the removal of fugitive slaves; (5) United States marshals and their deputies were required to execute writs under the act, the penalty for refusal being $1,000, the marshal being further responsible for the escape of the slave with or without his consent; and the commissioners or officers appointed by them were empowered to call upon the citizens to aid and assist in the execution of the law; (6) on affidavit before any officer authorised to administer an oath, United States Courts or Commissioners were to give the claimant a certificate and authority to remove his fugitive slave whence he had escaped, and in no case was the testimony of the fugitive to be admitted in evidence; and the certificate with the seal of the court was to be conclusive evidence of the claimant's title, thus cutting off from the fugitive any real benefit of the writ of *habeas corpus;* (7) imprisonment for six months, a fine of $1,000, and civil damages of $1,000 to the claimant were the punishments prescribed for obstructing the enforcement of the law, harboring fugitives or helping them to escape after notice; (8) fearing a rescue the marshal was to take the fugitive to the State whence he had made his escape, at any cost or sacrifice; (9) any claimant, by affidavit before any court of record in his own State or territory, might obtain a record with general description of the fugitive, and an authenticated copy of such record was to be conclusive evidence, on proof of the identity of the fugitive, for issuing a certificate in any State or territory to which the fugitive had fled. The main objection to the act, as its enforcement in many parts of the Union developed its terms, was the refusal of a jury trial to the alleged fugitive, to give him an opportunity of proving whether he was free or slave. This was a fatal defect, as it gave the anti-slavery opponents of the act opportunities for the assertion that some of the fugitives were free men and as such were entitled to all the benefits of all the laws of the States as well as of the United States. This and the provision of the act which gave the judicial officer a larger fee when the person arrested was adjudged to be a slave than when decided to be free, made the law especially odious to the Northern people, and eventually lead to an open agitation for its repeal, which was not, however, presently effective. It also lead to an organisation that had its emissaries in nearly all of the

[1] Alexander Johnson.

States known as "the underground railroad," which aided fugitive slaves to escape into Canada and finally became aggressive against slavery as the channel by which many slaves were enticed into freedom from their masters in the border States. . The effect of all this upon the South was to weaken the conservative class and strengthen the extremists who could see no way out of the dilemma save by the co-operation of all the slave States with a view to separation from the Union. The bitterness that resulted from this continued and heated agitation of the slavery question, intensified by the futile efforts at the enforcement of the fugitive slave law, was the basis of the fatal crop of war that ten years later came to the South.[1] But amid it all Memphis made rapid strides and by a plainly perceptible increase in her population, and the erection of handsome, some of them stately, homes and blocks of business houses, was encouraging the revival of the predictions of the sanguine founders and fathers of the city. There was a very large accession to the population of intelligent men and women and well-conducted and well-attended private schools were so many visible results of the demand for higher education. At this time there was not a city in the United States that in proportion to population could boast of better forms of cultivation or in which there were so many men of marked ability in public and private affairs. The merchants, among whom there were many of large capital, were enterprisingly encountering the opposition of New Orleans, which was one of the first cities of the country, and the commercial centre of the Mississippi Valley. Some of the jealousy and bickering between North and South Memphis, which so long operated disastrously to the cities' interests, still lingered and was most perceptible when public improvements were suggested in the board of mayor and aldermen, but the centralising of business in the neighborhood of Court Square had the effect of a balance of power, and though some measures authorising improvements were defeated, there was a steady loosening of the tension of sectional feeling as business grew in volume and value, which it did to an extent not then surpassed by Cincinnati or St. Louis or even New Orleans herself. The newspapers, less restricted in their tone, were taking a larger view of the trade possibilities, and were directing attention to the necessity on the part of the cities of the West and Southwest of uniting their influences and powers to prevent the monopoly of the interstate as well as international carrying trade, on the attainment of which the East was concentrating its energies. The *Appeal*, in a discussion on this subject which was conducted with marked ability,

[1] Both Governor Truesdale on retiring from, and Governor Campbell on entering upon office, a few days later, made reference to the disturbed state of the country and the strain upon the constitution, and the latter pledged himself to support the compromise measures as the only hope for the maintenance of peace and the perpetuity of the Union. But they were not alone. All the governors of the Southern States were at this time devoting a great deal of attention to Federal politics and were deploring in annual or special messages the threatening aspect of affairs, a few of them still encouraging preparations for the alternative of disunion.

produced an overwhelming array of "incontrovertible figures and facts" to make these designs of the East on the trade of the Mississippi Valley "plain even to the casual reader." These efforts were to be counteracted by agitation, by the publication of facts, through the agency of commercial conventions and the combined action of commercial bodies. Such an agency was the Cotton Planters' Convention, called to meet at Macon, Ga., on the 27th of the month (October), to consider the disastrous fluctuations in cotton, which were affecting especially the planters in Arkansas and Mississippi, many of them newly embarked in planting at very great expense. Delegates to this convention had been elected by Memphis on the 15th of September and by the planters of the county on the 9th of October, at a meeting held at Raleigh. This convention did not result in anything like immediate benefits in the line of its inquiry, but it had the effect of broadening the views of the planters of the South and impressing them with their strength and importance in the industrial operations of the country. Besides the fluctuations in cotton, the relative economies in time and safety of river and railroad transportation were discussed, and the members of the convention returned to their homes ardent advocates for the internal improvements, the advocacy of which was beginning to share the public attention with the agitation of the compromise measures. Indeed there were many persons of distinction who insisted that the building of canals and railroads and turnpike roads should be entered upon with a view to the future, and as part of the preparation for separation that would enable the people to maintain their rights in a government of their choice. Democrats as well as Whigs were advocating internal improvements. Governor Trousdale, a Democrat, in his last message, advocated public improvements, and Governor Campbell, a Whig, who succeeded him on the 19th of October, was more definite but not more pronounced. Governor Trousdale in his message said he was gratified to be able to say that the people of the State were in the enjoyment of the "highest prosperity and the greatest happiness, and were rapidly accomplishing a glorious destiny." But he thought the time had come for the development of her immense mineral resources, and when they should "encourage manufacturers and perfect their society by adding to the devotees of the plough those of the loom and the anvil. He recommended even a partial system of internal improvements in order to encourage those who were in the State to remain in it and help to develop it. Governor Campbell in his first message also invited the attention of the Legislature to the necessity for the development of the material resources of the State and the building of railroads. "While her character stands high," he said, "in the estimation of the country for military prowess and political intelligence, she has been outstripped in the building of railroads—so important in their social, moral and commercial effects—by several of her younger sisters." He recommended State aid to railroads and turnpikes, suggesting that in the ad-

vancing enhancement of the values of the State there would be found a compensating profit. These words of Governor Campbell were everywhere approvingly received, especially in Memphis, who, in the person of Mr. R. C. Brinkley, one of the wisest, most prudent and sagacious of her citizens, then had an ambassador in London negotiating the purchase of the iron needed to complete the Charleston railroad, then the enterprise of greatest promise in the South and the one which best advertised the geographic advantages of Memphis. Mr. Brinkley, who had married a daughter of Judge Overton, had become the owner of a great estate, which he managed with consummate ability, guided by a large public spirit. He was an amiable gentleman of agreeable manners, upright in all his dealings, full of enterprise, and a leader who moved toward the goal he set without faltering for a moment. He went direct to his purpose, and always carried his burdens of anxiety or disappointment without complaint. The *Appeal* of the 23d copied with an introductory of very commendatory approval a paragraph from the Nashville *Banner* of the 21st, which asserted that "Memphis can boast of a single citizen who in the past eighteen months has aided public enterprises more liberally in proportion to his wealth than perhaps any individual in the South." He had subscribed liberally to the Hernando and Germantown Plank Road, to the Memphis Manufacturing Company, to the Memphis and Charleston Railroad, had sold land to that company for depot purposes at $300 per acre for which he had been offered $800. He had aided liberally in the building of churches and schools, in one instance deeding a house and lot to a minister for which he was receiving $500 a year, to be his so long as he maintained a school, and had just completed the finest four-story block of buildings in the West. He was then in Europe at his own expense in the interest of the Charleston railroad. "His private acts of charity and beneficence," concludes the *Banner*, "are worthy of his public conduct." Mr. Brinkley, who was well known to the banker and philanthropist, George Peabody, was through him successful in his mission, and his return home gave great encouragement to the enterprising people who had reason to be as proud of their colleges, schools and churches, and of the men who presided over them, as upon the rapid increase in their cotton receipts. Another steamboat was launched at Captain Emerson's boat-yard, and both the medical schools were doing well, the Botanico-medico being an especial favorite with pupils. The theatre, too, was established on a firm basis. Ash & Charles had leased it on the 26th and were preparing for the opening of the season. It had once been a church, and though small was compact and comfortable, and for the time quite centrally situated on the corner of Washington and Main streets,[1] and was for many years a fashionable resort. On its contracted stage the elder Booth, supported by his greater son, appeared before "enthusiastic audiences," and

[1] It is now and has for many years been used as a variety theatre of a low class.

Eliza Logan, Julia Dean, Hackett (the great Falstaff), Charlotte Crampton, Charlotte Cushman, Chanfrau (as the original Mose), Neafie, Kate Reynolds, Kate Vance and Kate Fisher; and Adah Isaacs Menken, who ended her career in Paris so sadly, began her career before its footlights. During the month of October the politicians and the newspapers discussed the secession movement in South Carolina, the Donaldson letter, the tone of the Fillmore cabinet—dubbed "the travelling cabinet"—the illness of Mr. Jefferson Davis which prevented him from a farther prosecution of his canvass with Foote, the fate of the Cuban filibusters, and the cruel indifference of the government to them at the time of the Lopez expedition, the presidential question and General Taylor's territorial policy, which some of the Democrats charged was the foundation of all the troubles growing out of the compromise measures. It also contrasted the indifference of the administration to a contemplated filibustering expedition from California to Sonora, to its course in regard to the Lopez expedition. The *Appeal*, too, published an address to the people of Mississippi by Jefferson Davis, and contrasted his immediate resignation of his position as senator upon accepting the nomination for governor, with the refusal of Foote to resign from the Senate until he was elected governor. It concluded that if Mr. Davis was not elected by the State's Rights men it will feel justified in assuming that "bargain and sale" was indulged by somebody. Political feeling ran high and the criticisms and conclusions reached by politicians were not always well founded or just. The *Appeal*, for instance, in one of its controversies on the questions of the day, taken to task by the Nashville *Banner* for declaring that M. P. Gentry, one of the ablest of the Whig leaders of the State, was a "free soil" candidate for the presidency, responded with some utterances of Gentry to sustain its position, in which, of course, it was only colorably successful. Among the State and local questions discussed in November were free banking, the messages of the retiring and incoming governors, the condition of the penitentiary, increased mail facilities, and the Nashville *Banner's* "picture of the profligacy and corruption of the Whig members of the Legislature, and the candidates of that party for the United States Senate." "It was almost incredible." The *Appeal* regarded the struggle for office among members of the same party at once disgraceful to those engaged in it, and a humiliation to every Tennesseean proud of the high-toned honor of the State. But this "ridiculous muss" was soon ended. Governor James C. Jones, who had done so much to assure the success of the Charleston railroad, was elected on the 16th of November, to the great joy of the Memphis Democrats as well as Whigs. The *Appeal* of the 20th eulogised him as "possessing talents of a high order," and on the 26th published an open letter from a number of citizens, tendering him a *soirée* at the Commercial Hotel on Friday, the 28th, and the response of the senator-elect accepting it. There were a number of conventions mooted about this time, among them a Democratic convention, to be

held on the 8th of January, for the election of delegates to the national convention of the party to nominate a candidate for president, and to nominate candidates for electors for the State at large. Another was a railroad convention of the Southern and Western States to be held in New Orleans on the first Monday in January, 1852, and there was also a preliminary meeting held at the court-house to arrange for railroad connection between Memphis and Little Rock, and a meeting was resolved upon to be held at the same place on the 8th of December, to which citizens of Arkansas especially were invited. A convention to consider the improvement of the Mississippi River, which had met at Burlington, Ia., and had adjourned to meet at St. Louis on the 21st of October, 1852, to which delegates from Memphis were elected, was made the occasion for the indulgence of some pardonable sectional pride in the inventors who had done so much to make the safe and rapid navigation of the western rivers possible. "Rumsey, of Virginia," it was claimed by the *Appeal*, "was the first projector and inventor of steam navigation; he was the first man on this continent to build and navigate a steamboat, which was done on the James River. The next effort was made by Fitch, of Maryland, on the Delaware, and this was followed by Fulton's experiment on the Hudson River." The "oppressive taxation on the mercantile and trading portion of the community" was a topic of the times, and the necessity for internal improvements that would give an impetus to the public desire for quick and uninterrupted transit by railroads and improved rivers. Among the national questions that aroused public interest was a letter of James Buchanan's; and the candidacy of Webster, Scott, and Fillmore for the Whig nomination, and the latter's Buffalo letter, in which he reiterated his free soil views, were among the "burning subjects" that provoked very heated debate and sometimes severe denunciations. But the enforcement of the fugitive slave law was the most engrossing of all the subjects. There were whole weeks almost monopolised by the events that transpired as a consequence of its enforcement, every one of which was a fresh provocation for opening the whole question of slavery. An address from the British and Foreign Anti-Slavery Society, read at a meeting held at Henry Ward Beecher's church on the 24th of October, furnished occasion for one of these prolonged debates on the "bad spirit manifested by the people of the North in listening to revilings of their fellow citizens of the South by a foreigner." But this was more than made up for by the charge of Justice Nelson, of the United States Supreme Court, to the grand jury of the Circuit Court for Northern New York, on the 21st of October, in the case of the Syracuse rioters engaged in the rescue of the fugitive slave, Jerry. He said "that other, or those other States directly interested in the rejection and repudiation of a part of the law, after an unavailing effort by the constituted authorities of the Union to enforce obedience, would have a right to regard the compact as at an end, and to withdraw from a confederacy of unfaithful associates." By the close

of November the result of the election in Mississippi was ascertained. Foote was elected governor by a majority of nine hundred and ninety-nine over Davis, of whom the *Appeal* said, "he could challenge detraction to point to a single stain upon the record of his public career. As a soldier and a statesman, in the tented field and council hall, he reflected renown upon his State, to which he had given all save honor to advance her glory." Jefferson Davis, in this campaign, was the leader of what was termed the secession movement, and Henry S. Foote of what was termed the Union opposition. More fairly stated, Davis was the leader of those who doubted the advisability of secession, the State being almost a unit that it might become necessary if the aggressions against slavery by the North were continued. This canvass gave the people an opportunity of voting directly upon the question, which was decided for the Union, the vote standing for Foote 28,738, for Davis 27,729; the Legislature elected, counting 21 Secessionists to 11 Unionists and 63 Unionists to 35 Secessionists in the House, the Unionists having a popular majority of 28,402 to 21,241 on the question of a State convention. During the closing month of the year, the *Eagle* and the *Enquirer* were united under the editorial charge of Pryor and McMahon, and the initial steps were taken for the organisation of the Memphis and Little Rock Railroad Company, and for a preliminary survey of a route for the road. Colonel George P. Beirne, of Alabama, was elected president of the Memphis and Charleston Railroad, on which work was being pushed on several sections. The subscriptions called for were promptly met, and the most liberal spirit prevailed among the stockholders. There was a little flurry among the citizens over a proposition to be presented to the Legislature to make the Bayou Gayoso the eastern boundary of the city, and a gas company was organised, the incorporators being R. C. Brinkley, John Trigg, H. C. Walker, S. P. Walker, and Wiley B. Miller. Kossuth's heroism as the leader of the Hungarian movement on the uprising of the people of Europe in 1848, was an engrossing subject, on account of his tour through the United States, and his speeches aroused almost as much enthusiasm in Memphis as they did in New York or wherever else they were delivered. The newspapers printed them as masterpieces, and were loud in their praises of his scholarly English, his strength of statement and his eloquent periods, yet he was not accorded a reception in Memphis, for what reason does not appear. The case of John S. Thrasher, one of the Cuban patriots, also attracted attention and furnished occasion for a public meeting, at which the old filibustering spirit was fully aroused by the fervid oratory of some of the best speakers in Memphis. Thrasher had been for some time the Cuban correspondent of the *New York Herald*, and had been arrested by the Spanish authorities, tried by court-martial and sentenced to death, which was subsequently commuted to imprisonment for life. His treatment in prison was barbarous, and it was not in the least mitigated until the people of the United States, aroused by the press,

compelled the Fillmore administration to make formal application for his release. Thrasher's case, together with the inhuman punishment by the Spanish government of others of the survivors of the Lopez expedition, was one of the strongest points made by the Democrats in the presidential campaign, preparations for which were being made all over the country.

V.

EIGHTEEN hundred and fifty-two was emphatically the railroad year[1] in the history of Memphis. The Mississippi and Tennessee Railroad, which had been chartered by Tennessee in 1846, was chartered by Mississippi in January. This was an important enterprise to Memphis, which it was to place in direct communication with the rich highlands that form the eastern rim of the Yazoo basin, and connect her at Grenada with the railroad to Jackson and New Orleans. It was a very important enterprise and enlisted the ardent support of the people, not only of the city but all along the line. Books for subscription of stock were opened, and a canvass of the whole route was made by Colonel J. T. Trezevant. The East Tennessee and Virginia Railroad, which was also chartered this year, though as remote as the eastern end of the State, was important to Memphis as a link in the system that was eventually to tie her with Washington, Baltimore, Philadelphia and New York. The construction of the Charleston railroad, the initial link in this system, was being pushed with unusual energy, notwithstanding the refusal of the State of Mississippi to grant it rights of way through that State. It was, by September, graded the whole way to La Grange, and trains were running to Collierville, an event that was celebrated by a festival, at which there was great rejoicing. The Memphis and Little Rock Railroad was also, about this time, determined upon by a convention held at the latter city, in February, in which the delegates from the former were conspicuous for their advocacy of the scheme as essential to the opening of the great Southwest. Another convention, at Clarksville, recommended a subscription by Montgomery county, of $100,000, to the Memphis and Ohio Railroad, and endorsed a scheme for a railroad to Henderson, Ky. A survey for the Louisville and Nashville Railroad, which was to connect with the Memphis and Ohio at Bowling Green, was on foot,

[1] This activity in railroads was largely due to an act of the Legislature of this year, creating a general system of public improvements. It provided State aid for equipment at the rate of $10,000 per mile, to all railroads constructed within the limits of the State after they had graded the track and made it ready for the iron; the fact to be ascertained by inspection by an officer appointed by the State. To secure such loans the State took a lien upon the roads and their franchises, the companies being required to provide for the payment of interest on the bonds and for a sinking fund for their redemption at maturity. This greatly stimulated the building of railroads and was believed to be a safe as well as effective way of doing it.

and Colonel J. T. Trezevant was alternating between the Ohio and the Tennessee Railroad, canvassing for subscriptions for both, and at the same time advocating a Pacific railroad along the thirty-fifth parallel, in aid of which he memorialised Congress as a commissioner for Tennessee, Captain Albert Pike representing Arkansas as a co-commissioner, and A. Roberts, the State of Texas.[1] Colonel Trezevant was happily constituted for this work. He was an enthusiast, was well informed, had the faculty of grouping facts and figures in a convincing way, was a ready speaker, was well known and highly respected and esteemed, and enjoyed the public confidence. Then, too, he was unselfish. He sunk his own fortune in the work out of which others made very large fortunes. The largeness and general benefits of these schemes engrossed his mind, and he merged himself in them. Colonel Trezevant was also an advocate of the navy yard, which Congress had neglected, failing to make annual appropriations, with a view, the people said, at a public meeting held in February, to reduce it to a mere rope-walk. A committee appointed by this meeting to draft resolutions, declared that they "would oppose and resist every such measure, and urge a full and prompt continuance and completion of the said work," according to the designs agreed upon in 1846–7. These resolutions had the effect of awakening a temporary interest in the enterprise on the part of Congress, which was already more than half convinced that it was a failure, and that the money expended upon it had been thrown away. But it had been of great benefit to Memphis, and the people who had had their ideas enlarged by it were determined to have it completed. They were building for the future and needed all the help they could secure. They were willing subscribers to railroads and plank roads, were increasing the number of manufacturing enterprises, and were agitating for a system of sewers that would drain the city and be the means of saving her from the injurious effects of a reputation as a sickly place, which the *Appeal*, on the 7th of September, declared had cost her a great deal in a pecuniary point of view. Dr. A. P. Merrill, a leading physician and a public-spirited citizen, was the advocate of a sewer system, as a finality of a discussion which was carried on in the newspapers by the board of aldermen and the board of health, to which body Doctors Watkins and Booth reported that "Memphis has, for the past two years, been alarmingly sickly, and the sickness has been alarmingly fatal. No sort of explanation," they said, "can weaken the force of these facts. They have become notorious, and if allowed to become her permanent characteristics will brood over the city like an eternal incubus, destroying its pleasantness, arresting its growth and paralysing its commercial prosperity." They recommended immediate work in August—the filling of ponds and holes, every-day cleanli-

[1] Beside the railroads thus mentioned, in which Memphis was immediately interested, there may be mentioned, as roads of connecting advantages, the Mississippi Central, the Mobile and Ohio, both which intersect the Charleston, and the Vicksburg and Shreveport, and the Nashville and Chattanooga, and a road from Port Gibson.

ness by a well-organised scavenger force, and a house to house inspection, with power to arrest and punish for nuisances and to abate the same; and they also recommended the establishment of a dispensary for the poor, and the employment of a physician to attend them when sick. The well water, they said, was a source of many diseases, contaminated as it was by the seepage from contiguous vaults. But neither these nor the equally urgent appeals that were afterwards made had any effect. The city was in an unsanitary rut, and it was destined to continue in it until the most fatal consequences aroused the people to a realisation of the force of recommendations and warnings so often vainly repeated. The continuance of the board of health was the only result of this agitation, but its duties were of a purely perfunctory character. It had no police power or supervision. It could, as it did often, complain, but it could not enforce its decrees or recommendations. The people could be awakened to an interest in everything and anything but the vital question of health and life. But in this they were no worse than other American communities at that time, wholly taken up with their material progress and the vexing questions of national policy growing out of the rights of the people in the territories. Plank roads, railroads and manufactories were of paramount importance, and the high price of slaves, carpenters selling for $2,500, a hammerer for a blacksmith, $1,114, painters for $1,005, cornfield hands for $750 to $1,000, boys about twelve years of age $700, and girls from twelve to eighteen from $600 to $800. Occasionally there were some reliefs from the strain of "business" and "politics," in lectures and concerts and school exercises, and at the theatre, which was well patronised. Eliza Logan opened the new year at the theatre, and her more successful and beautiful rival, Julia Dean, closed it at the same place. Katherine Hayes, the renowned Irish singer, gave concerts in March, and Madame Anna Bishop in April, the latter singing in ten languages. The relation of Manager Charles to the public was one of confidence and mutual good will. He gave a benefit to the widows and orphans in January and the citizens returned the compliment by giving him one in February. The same kindly feeling was extended to the public schools, which were early in this year reorganised and placed under the control and direction of a board of visitors. The school of the Misses Young for girls, and the St. Agnes Academy were much praised, and the incorporation of the latter by the Legislature in February was, in the opinion of the *Appeal*, all that was necessary "to place that institution on a sure basis of permanency and identify it with the city of Memphis." A teachers' convention in August, the precursor of the institutes now so necessary a part of the routine of education, attracted some attention and was regarded as a hopeful evidence of the progress that was so admirably illustrated by the success of the Memphis Medical College, which in February closed a session under circumstances of exceptional *éclat*, Dr. Charles T. Quintard delivering the valedictory address. During the summer the college was consolidated

with the Memphis Institute and was opened in the fall to large classes, Congressman F. P. Stanton delivering an address, and Dr. A. P. Merrill, president of the board of health, the introductory lecture. Dr. Quintard,[1] who was one of the professors of the college, was, in December, especially conspicuous in connection with a movement for the establishment of a library association. He delivered several addresses and lectures and more than one valuable communication to the newspapers, setting forth the value of public libraries by the statistics afforded by the great cities of Europe, and finally accepted the position of chairman of a committee to collect subscriptions. The religious element was, in April, a little shaken up by the Baptist convention and the revision of the Bible, and some strictures in a Methodist paper upon the St. Agnes Academy, and in June by a letter from J. E. Bright, of Brownsville, taking the *Appeal* to task for its supposed partiality for the Roman Catholic denomination, which was making rapid progress and was then preparing for the building of St. Peter's church, the foundations of which were laid by Father Grace on Sunday, October 10, with the ceremonies prescribed by the church for such occasions. In May some journalistic changes were announced. Mr. Kamie retired from the *Appeal*, Mr. E. Pickett made place for Colonel Leon Truesdale, who was afterwards and for so many years to be identified with it and other papers in Memphis; the death of Colonel Robert J. Yancey, late editor of the *Enquirer*, was announced, and the appointment of Mr. John Sales, late of the *Eagle* to be naval store-keeper. Among the incidents that are noteworthy was the settlement of a difficulty between Senator James C. Jones and Representative E. W. M. King; a petition of the citizens to the council asking that the houses on Main street be numbered; the fencing of Court Square, and the arrival and departure of Kossuth without any public recognition, which the *Appeal* regards "as a wise course on the part of the governor of Hungary, as he would have met with a cold reception," for what reason is not stated. Mr. A. B. Taylor, who had been elected mayor in July, in his first message stated the annual expenses of the city to be $75,000. This was a princely sum compared with that expended in the first years of the municipal government when Major M. B. Winchester, recently stricken with paralysis, was mayor. Memphis, which had become a port only second to St. Louis and New Orleans, was in April greatly stirred by the frightful loss of life by the explosion of the boilers of the steamboat *Glencoe*, the sinking of the steamboat *Chickasaw* with the loss of twenty or more lives, and the explosion of the boilers of the steamboat *Pocahontas*, with an "awful loss of life." Of State legislation the most important measures were the passage of acts granting State aid to railroads and for the issuance of bonds for the purchase of the Hermitage, the building of the State capitol, also an act exempting homesteads from seizure for debt, and the free banking act passed with a view

[1] At present bishop of the Protestant Episcopal Church in Tennessee.

to answer the assumed demands of the people for currency, anticipating at least in one respect the existing national banking law of the United States. It permitted any one to engage in the business of banking who deposited with the comptroller not less than $50,000 worth of bonds of par value, for which they were authorised to issue for circulation notes in that amount and of prescribed denominations. In national politics the conventions of the Whig and Democratic parties and their platforms and nominations were the chief events. Leading up to them there had been a continuance of the fierce and angry debates over the compromise measures, the fugitive slave law especially. The Democrats pressed upon the Whigs all responsibility for these measures, and for the dreadful consequences attendant upon the Lopez expedition to Cuba. The Whigs retorted in kind, and defended the compromise measures as essential to the peace of the country and the stability of the Union. Many candidates for president were mentioned, among the Whigs being John Bell, of Tennessee, Daniel Webster, Henry Clay, Fillmore, and General Scott; among the Democrats Jefferson Davis, A. O. P. Nicholson, and Gideon Pillow for vice-president. But the Democrats nominated Franklin Pierce, of New Hampshire, and the Whigs General Scott, and both upon platforms accepting the compromise as a finality.[1] Public opinion had been steadily setting in in that direction for some time, so much so that even in South Carolina the State convention contented itself with a declaration that the "State had a right to secede, but that it was inexpedient to exercise it at present." Both parties declared that they would discountenance and resist any agitation of slavery in or out of Congress under any pretence or pretext. The discussion of the compromise had been attended with so much of bitterness that even the commonest minds were agreed that it was a subject to both the North and South as dangerous as gunpowder. But in

[1] The Democrats in convention pledged themselves that the Democratic party of the Union standing on this national platform, will abide by and adhere to the faithful execution of the acts known as the compromise measures settled by the last Congress — the act for reclaiming fugitives from service or labor included — which act being designed to carry out an express provision of the constitution, cannot with fidelity thereto be repealed or so changed as to destroy or imperil its efficacy ; that the Democratic party will resist all attempts at renewing in Congress or out of it the agitation of the slavery question under whatever shape or color the attempt may be made.

The Whigs pledged themselves that the series of acts of the Thirty-first Congress, the act known as the fugitive slave law included, are received and acquiesced in by the Whig party of the United States as a settlement on principle and substance of the dangerous and exciting questions which they embrace, and so far as they are concerned we will maintain them and insist upon their strict enforcement until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other, not impairing their present efficiency, and we deprecate all further agitation of the questions thus settled as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation whenever, wherever or however the attempt may be made, and will maintain this system as essential to the nationality of the Whig party and the integrity of the Union.

thus consenting and agreeing to ignore slavery, to decline and refuse to make it an issue, the Whigs and Democrats overlooked or disregarded the daily agitation of the question by the abolitionists, organised to effect the unconditional emancipation of the blacks. These were constantly growing in numbers, and were bolder, and more determined and aggressive than ever. They did not either sufficiently consider or fully make allowance for the rapid settlement of the country. Poor men by thousands were pushing beyond the western boundaries of Arkansas, Missouri, and Iowa, in search of homes. They were breaking through the line that had hitherto been deemed sacred as the eastern boundary of the Indian reserve, and were pushing the red man before them, thus realising the "manifest destiny" of the race. Party organisations could not tie the tongues of all the people, and even the solemn compacts of parties in Congress were but for a day. They were not for all time. They were swept away by the irresistible current of emigration that had been continuous in movement from the time of the first stable settlements on the Atlantic coast. This compromise was to be swept away as those that preceded it had been swept away, and the whole question of slavery was again to be reopened, and with very bitter feeling. Both parties ratified their choice, and the work of defending and advocating their candidates was begun. General Pierce, the Democratic candidate, was regarded and spoken of by the Whigs as, comparatively speaking, an obscure man, although he had served in Congress for many years and with distinction in the Mexican War, whereas General Scott was well known as the general-in-chief of the army, but the poorest of poor politicians. He was as awkward in politics as a recruit, and made many blunders, but these were fairly offset by the charges made against Pierce, most of them without any basis of fact, and many of them silly. Clubs were formed, and "grand rallies," barbecues, and mass meetings were many and frequent. Every politician and office-holder was by either side mustered into service, and the newspapers were nearly altogether given up to "the issues of the day." Cass, Marcy, Douglas, Daniel S. Dickinson, and Jeff. Davis were warm in their endorsement of Pierce in letters to the Granite Club, of Memphis, which had been organised the night of the day on which the news of the nomination had been received. But the Whigs had nothing from Clay or Webster, the former being on his death-bed and the latter very near the end.[1] General Scott carried Tennessee by 1,679 majority, and Memphis by 196 majority, the total vote cast for both candidates being 2,147, or 398 more than were cast in 1851; but Pierce defeated him, and in his inaugural address on the 4th of March, 1853, pledged himself to carry out the compromise measures in good faith[2] and discountenance

[1] Clay died on the 29th of June and Webster on the 24th of October.

[2] President Pierce in his inaugural said: "I believe that involuntary servitude, as it exists in the different States of this Union, is recognised by the Constitution, and I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called

the agitation of slavery. Early in 1853 an amendment to the constitution was adopted making the judiciary elective by popular vote on a different day from State and county elections, and *apropos* of this the *Appeal* announced, as a permanent accession to the bar of Memphis, the arrival of General William T. Haskell,[1] the gallant soldier, brilliant orator and able advocate, and just then a successful temperance reformer. He was well known to the Memphis pub-

the compromise measures, are strictly constitutional, and should be unhesitatingly carried out, I believe that the constituted authorities of this republic are bound to regard the rights of the South in this respect, as they would view any other feature, and constitutional right, and that the laws to enforce them should be respected and obeyed, not with reluctance, as encouraged by abstract opinions, as to their propriety in a different state of society, but cheerfully and according to the decision of the tribunal to which their exposition belongs."

[1] General Haskell had made his mark as an orator, scarcely, if at all, inferior to the illustrious Sargent S. Prentiss, of Mississippi. As a soldier, and member of the Legislature and of Congress, he was distinguished for his bravery and for his earnest advocacy of the doctrines of the Whig party. An able lawyer, he removed from Jackson to the growing city, the future of which had already attracted many others. William Turner Haskell was born in Murfreesboro, on the 28th of July, 1818. He was the younger son of Joshua and Nancy Haskell. His father was a native of Rhode Island, who, having served as a staff officer in the Creek War of 1813, located in Murfreesboro, where he practiced law until the close of 1821, when being appointed judge of the Western Circuit Court, he removed to Jackson, where he died, in 1839. Mrs. Haskell was a native of Sumner county, Tenn., a sister of the Hon. Charles Ready, and died in Jackson in 1836. The elder and only brother of Mr. Haskell was a lieutenant under Colonel Farin, and with his comrades was massacred in the Alamo, San Antonio, Tex. William Haskell, the subject of this sketch, was educated partly by a private tutor and partly in the common schools of Jackson, completing his studies at the Nashville University, under the presidency of the Rev. Phillip Lindsley, D.D. Here he first discovered those remarkable mental and social qualities which so highly distinguished him. Gifted with uncommon genius, sustained by an ardent, chivalrous temperament, seconded by a frank, manly bearing, he was a favorite with the faculty and pupils of the University. After graduating, in 1835, he joined the army and fought through the Florida War, as a private. Discharged from service he returned home, and entered upon the study of law in his father's office, and soon after being called to the bar, and while yet under age, married Miss Paralee Porter. In 1840 he made a canvass of the State in support of General Harrison, of Ohio, the Whig candidate for the presidency, and was in the same year elected to represent his county in the Legislature. After the passage of the bankrupt bill, in 1842, he was appointed a trustee in bankruptcy, a position he occupied until the repeal of the law. In 1844 he canvassed the State for Henry Clay, and made some of the best speeches of his life, increasing an already great reputation. In 1846 he volunteered and was elected colonel of the Second Tennessee Regiment, to serve during the war with Mexico, where he was distinguished as a gallant soldier. In 1847, soon after his return from Mexico, he was elected to Congress from his district, and served one term, declining re-election. In the interval between the two sessions of Congress, in 1848, he canvassed the Eastern States for Zach. Taylor, the Whig candidate for president. After the expiration of his term in Congress he returned to the practice of law, and was not again heard of in politics until 1852, when he canvassed the State for General Scott, Whig candidate for the presidency. In 1856 he removed to Memphis, and after a few months removed to Arkansas, but soon returned, better satisfied than ever with his own State, which he canvassed, in 1856, for Fillmore and Donelson. In 1857 he was taken with a malady that eventually killed him, and from which he found temporary relief, in 1858. He died at Hopkinsville, Ky., March 12, 1859. His remains were brought to Jackson, Madison county, and buried there on March 31, 1859.

lic, and was in much request everywhere, on account of his abilities as a speaker. He was equal to any public emergency, and was very effective in advocating a liberal policy as to public improvements, especially railroads, which were still almost engrossing the public mind. During this year the board of mayor and aldermen, in May, voted $350,000 to the Little Rock Railroad, and, in July, $150,000 to the Memphis and Grenada (now the Tennessee) Railroad; and Colonel J. T. Trezevant was persistent in pressing Memphis upon the public attention as the most central point for the eastern terminus of the proposed Pacific Railroad. "Memphis," he wrote, "is nearer to the South Atlantic and Gulf States than any town on the Mississippi above the mouth of the Ohio, and nearer to the North Atlantic and lake cities than any town on the river below the mouth of the Ohio. In other words, Memphis is that point in the Mississippi valley where the lake, the Atlantic and gulf cities can, and soon will, meet by the shortest and most direct line of railroad." The people "were wild about railroads," as a gentleman of the period wrote, "and were ready to vote any amount in aid of them;" but they were not yet ready to vote away the promenade, as Mr. M. T. Trezevant advocated before the board of mayor and aldermen, at a meeting called for the purpose of affording him a hearing. Mr. Trezevant was about twenty-seven years "ahead of his time." His project did not impress the board as a load that they could carry, and they did not assume it. It had been advocated once before, when the La Grange Railroad was filling the public eye and making drafts upon the public exchequer, and was then nipped in the bud by the proprietors of the town, who objected to the diversion of the promenade from any other than the purpose expressed in its name and declared in the dedication of it. Out in the country, in Mississippi and Arkansas, and West Tennessee, Colonel J. T. Trezevant was wonderfully successful in securing subscriptions and donations of rights of way and lands for stations, for the three railroads which he advocated with rare resources of argument, on the stump, in the newspapers, and in a voluminous correspondence with influential men in all parts of the country. He was the soul of the movement and the inspiration of the great commercial convention, the first session of which had been held in Baltimore, the year previous, and which had adjourned to meet in Memphis, in June. This convention was, by far, the most notable event in 1853. It assembled on the 7th, and adjourned on the 10th, of June. It was in session four days. Its membership embraced many of the most influential citizens of Alabama, Arkansas, Georgia, Missouri, Maryland, Mississippi, Louisiana, South Carolina, Kentucky, Indiana and Tennessee; among them being General Hunt, president of the Texas Central Railroad; the Rt. Rev. James Hervey Otey, bishop of Tennessee; Dr. Charles T. Quintard, of the Memphis Medical College; James H. Lucas, L. M. Kennett and Frank P. Blair, of St. Louis; John Minor Botts, of Virginia; Mr. Lawton, of Georgia; Judge Walker, of New Orleans; General Quitman, of Natchez;

Congressman F. P. Stanton, Robertson Topp and J. T. Trezevant, of Memphis; Colonel Wheat, of New Orleans; the Rev. C. K. Marshall, of Vicksburg; Sam. Tate, J. H. McMahon, Leon Truesdale and E. M. Yerger, of Memphis. Senator W. C. Dawson, of Georgia, was president, and Senator John Bell, of Tennessee, one of the vice-presidents. Many speeches were made, some of them of great length; but the time was mainly and with fidelity devoted to the objects had in view, which were clearly and fairly stated by President Dawson. The debates were conducted in the most kindly spirit, and the convention, as the result of its deliberations, unanimously adopted a series of resolutions, setting forth (1) The necessity for deepening the channel of the mouth of the Mississippi; improving the Des Moines and Rock River rapids, and improving the harbors of Charleston, Savannah, Mobile, Galveston, Richmond, Wilmington and Baltimore. (2) The value of a railroad from the Mississippi to the Pacific Ocean; that work should be begun on it as soon as the surveys then being prosecuted were finished; that it should be located on that route which scientific explorations shall show combines, in the greatest degree, the advantages of genial and temperate climate, fertility of soil, cheapness of construction and accessibility at all seasons from all portions of the Union; and that it is right and expedient that the general government should grant large tracts of land to the States bordering on either side of the Mississippi, to enable them and all sections of the Union, however remote, to connect themselves with the main trunk. (3) Endorsed the Tehuantepec route, urged the speedy termination of the negotiations then being conducted for the right of way across the isthmus, and that Congress be also instructed to maintain, by all legitimate, constitutional means, the rights of American citizens to the grants made by the Mexican government. (4) That this convention approves of the steps taken by the government in the matter of the trade between the Mississippi valley and that of the Amazon, and the free navigation of that river, and thanked Lieutenant Maury for the interest he had taken and the work he had done to promote these objects. (5) That the general government should appoint a special corps of scientific engineers to investigate the law which governs the Mississippi River and its tributaries, to devise the best system of improving the navigation of these rivers and of protecting their lands from overflow; if necessary, to send abroad a similar corps of scientific engineers to examine the systems of improvements adopted in other countries, and to report upon all matters connected with these subjects. (6) That the convention regards the establishment of direct communication by steam between our southern ports and Europe, and the encouragement and protection of this system by the national government, connecting therewith ample mail facilities, as a necessary feature in the commercial independence of the South and West. (7) That the president of this convention appoint a committee of five members, who shall be requested to prepare for pub-

lication and distribution, particularly in the manufacturing districts of Europe, a full report of the peculiar facilities offered by the Southern and Western States for the manufacture of cotton on or near the fields of its growth, and that this report be published as a part of the proceedings of this convention. (8) That the convention earnestly recommended to the citizens of the States represented, the education of their youth at home as far as was practicable; the encouragement of a home press, the publication of books adapted to the educational wants and the social condition of these States, and the encouragement and support of inventions and discoveries in the arts and sciences by their own citizens. (9) That the attention of our senators and representatives in Congress be called to the propriety of bringing before the administration the importance of making the cotton and tobacco interest a subject of instruction to our foreign commercial and diplomatic needs. (10) The appointment of a committee of five to prepare an address to the Congress and the people of the United States that should be incorporated in and be considered part of the proceedings of the convention. Besides these a resolution was also adopted as offered by Bishop Otey, thanking the government for the expedition to the Amazon, urging the free navigation of that river and appointing Lieut. M. F. Maury to lay the whole matter before Congress. The Rev. Mr. Marshall also offered a resolution declaring for the establishment of high normal schools in the Southern States for the free education of teachers; and the subject was respectfully urged upon the governors and Legislatures of the States. As the *Appeal*, summing up, said, "the business matured by the convention was of a highly important character" and "the objects contemplated to be effected met with the cordial support of the whole South." Its proceedings were characterised by the utmost harmony and good feeling, and there was reason to believe that "its influence upon the country" would be "such as is anticipated by the most sanguine and hopeful friends of the commercial independence and permanent prosperity of the South." But there was also some reason to apprehend that "the zeal and indiscretion of injudicious friends and political hucksters" might "give a tendency to its proceedings which" would "exclude the co-operation of that powerful [Democratic] party in the Southern States who look to a strict construction of the constitution of the United States as the palladium of the liberties of the people and the rights of the States." The *Appeal* could "find nothing in the action or resolutions of the convention," which "were calculated to excite such a suspicion" and did "not make the remark with a view to create prejudice against the proceedings. But sentiments were freely expressed by different gentlemen during its session, which were justly calculated to arouse vigilance and call forth some apprehension that an attempt" would "be made to use the sentiment which the assemblage had fostered as a political engine to effect party purposes." These apprehensions, the *Appeal* trusted, would prove groundless, but if not it would "assure

the gentlemen who may thus present the great catholic objects which are contemplated, that the effort" would be "promptly and firmly met, come from what quarter it may; and that they may be enabled, when too late, to see how important are such schemes to effectuate their designs." The occasion for this did not arise. The resolutions were a little loose viewed from a strict construction stand point, but they could not be perverted to the purposes of the latitudinarians, who were anxious to embark the government in public works on a scale so vast as must have entailed a great public debt. The only one of the resolutions that squinted in that direction was the eighth. This was slightly tainted with conditions of subsidy, to which the Democratic party then was opposed, as it is yet. But taken as part of the series that so admirably voiced the purpose of the convention, it was accepted in a spirit of compromise and good will. It was an "outside issue," merely collateral to the main purpose of the convention, which was the furtherance "of a great public purpose to build a railroad from the Mississippi to the Pacific coast."[1] St. Louis, New Orleans, and Memphis were rivals, each claiming to be naturally the initial point for this road, and efforts were made to enlist the convention in the interest of one or other of them, but it failed. A Vicksburg delegate introduced the resolution that was adopted, suggesting that the road should be located on the line which had the combined advantages of directness of route, and genial climate. This ruled out St. Louis and narrowed the contest to Memphis, Vicksburg and New Orleans. The thirty-fifth parallel was the favorite route, not only with the engineers but the people, it was the true route, beginning at Memphis, to Little Rock, thence to Fort Smith, Ark., and following the south fork of the Canadian River towards Albuquerque, and thence towards the headwaters of the Gila River to San Diego. But it has never been built upon. Every other possible route but this has been adopted, and the snows so much feared by this and the other southern commercial conventions have been fearlessly and spiritedly encountered by American engineers and railroad builders. Contemporary with the agitation for the commercial convention, which adjourned to meet in Charleston in 1854, there were county and district conventions of both parties to nominate candidates for Congress and the Legislature and delegates to State conventions to nominate candidates for governor. After these there was a busy campaign that occupied what was left of the summer months and the early fall, and which resulted in a Democratic victory. F. P. Stanton, who was then completing his fourth term in Congress, was, notwithstanding his published declination, re-elected by a fair majority over Colonel Ed. M. Yerger, the Whig candidate,[2] and Andrew Johnson was elected governor

[1] The first railroad convention that met in Tennessee convened at Knoxville on the 4th of July, 1836, and was composed of delegates from all the States in the Union. Robert Y. Haynes, of South Carolina, was president of it.

[2] Mr. Edwin M. Yerger, who died in 1871, occupied at this time an enviable position at the bar, and a few years later stood at the head, when it had attained its highest mark. Judge T.

by a majority of 2,261. Mr. Johnson, who defeated Major Gus. A. Henry, the Whig candidate, during the campaign passed through a fiery ordeal. He was hailed by his fellow Democrats as "the mechanic statesman," as the Whigs

W. Brown, himself one of the most scholarly members of that bar, and one of the most skillful as he is one of the best equipped lawyers in the State, in some remarks upon Yerger, delivered in the Supreme Court of the State at Jackson, April term, 1871, said of him that he was the most richly endowed of a family of sons remarkable for vigorous intellects. "There was no department of the profession where he was not at home, and in which he did not grapple the questions 'in high debate' as a master. He was evidently grounded in the fundamental and underlying principles of the law. Hence he never misapprehended the principle decided in any case. His was a wondrous power to thread with accuracy the analogies of cases cited, and with 'the spear of Ithuriel' detect the precise doctrine established. Where so many with feebler or uncultured powers of logic fail, he moved easily to success. He was not lost or confused in the mazes of multiplied and ill-digested decisions. In the crucible of his mind the doctrine of '*stare decisis*' was held in such accurate balance as to be innoxious, and operate neither to enlarge nor perpetuate error. His was an intellect well muscled. Strength was pre-eminently its characteristic. He was a hard hitter. His was the development of the gladiator rather than the finished proportions of the Apollo Belvidere. The accomplishments of academic training had been denied him by reason of the scant fortunes of his boyhood and early youth. The passionate admiration of the Southern people of his day for the supposed unlabored efforts of 'native genius,' as distinguished from the results of thorough work, inducing many to conceal as discreditable the hard labor on which their success really rested, and to affect the inspirations of the moment — operated doubtlessly on him as it did on many others, his cotemporaries, viciously — deterring from that continuous and severe application requisite for the greatest achievement. Hence I take it, that he made but slight, if any effort, to repair the defects of early education. Conscious of the affluent gifts of nature, he too confidently rejected those attainments which can only be acquired by study, not reflecting that the princely Montezuma might sometime go down before the well armored scullion of a Spanish Camp. Thus, while his style was forceful and impressive, it lacked nervousness and compactness. It was the strong thought — almost unparalleled — uttered with vehement earnestness, that he hurled on the jury and at the court. He lacked a varied and ample vocabulary, too often making his hearer regret his meagerness of language. If any one ever was an orator with these defects, he was. For it cannot be denied that he often perfectly commanded the sympathies of his audience, and forced conviction by a glowing logic. Listening to him even at a later day, when, as his friends informed me, there had been a falling off of his powers, I speculated as to what he could have done with scholarly training and careful, methodical labor. I am confident that he would have risen to a full-orbed splendor. . . . It would have been better if he had travelled a longer and more rugged path to success. The crown should have been delayed. Obstacles would have bred endurance. Envious denial of merit would have taught the necessity of constant effort, and of sustained excellence. . . . That he had 'grievous faults' is not to be denied — that he was not a perfect example must be conceded. Wasted opportunities — powers great not pushed to that full achievement which the responsibility of their possession required — the neglect of many duties in his career — all painfully remind us how imperfect and frail humanity is. But amid all his imperfections there was nothing mean or selfish. His faults were the result of the times and the society from which he received his first impressions of life, and not of native disposition. To a most charming *personnel* he added a frankness that at once imspired confidence, and a sweetness of temper that was irresistible. Though quick to resent, his anger never once became malignant or vindictive, and was always easily appeased. His conversation was as sparkling and as pleasant to the ear as the rippling waters of the brook. There are few now within the compass of my voice who have not vividly

sneered at and ridiculed him because he began life as a tailor and was illiterate, until his devoted wife taught him to read. He entered public life as an alderman in Greenville, East Tennessee, where he took up his residence soon after his marriage, and from the aldermanic council board was sent to the lower house of the Legislature, where he made great character as an opponent of extravagance, and especially for the vigor with which he fought the internal improvement measures that from 1834 were a constant cause of agitation in the State. A man of the people, he believed in them, and made it his constant care to think of them and act for them "about as they would for themselves." The Whigs declared him a demagogue, and many Democrats honestly shared this belief with them. But nothing could be more unjust or undeserved. Mr. Johnson was devoted to the masses, and believed in a strict construction of the constitution and the laws. He was a literalist naturally, and the habit was strengthened by his limited education, so that even in after life it dominated him and restricted his views of public affairs, making enemies for him on every hand, and increasing the embarrassments and difficulties he had to encounter and overcome. At this time he was the most popular man in the State, and by his own party was considered its chief leader. No other Democrat in Tennessee could so soon have overcome General Scott's majority and placed the State in the list of Democratic States, where he helped to hold it for years.[1] Both parties had nominated complete tickets for the Legislature and "the friends of temperance" put a ticket in the field, but they each found some difficulty in retaining all of their candidates. J. M. Williamson, on the Democratic ticket, was the first to decline. Colonel J. H. McMahon next retired from the Whig ticket, and Major Bartlett and Colonel Pettit retired from the temperance ticket. General Dunlap took Williamson's place on the Democratic ticket, and Mr. George L. Holmes Colonel McMahon's place on the Whig ticket, the Democratic ticket comprising the names of William C. Dunlap, J. B. Lamb, and A. C. Welborn. Among the incidents of the year worthy of note were

recalled to them the joyous laugh of the circle of which he was the center, inspired by his wit or some well-timed anecdote. His jest, full of humor, never wounded. The arrows from his quiver were not barbed or poisoned. Of him it may be said with as much truth as of any who ever lived—

'None knew him but to love.'"

[1] Mr. Johnson spoke in Memphis on the 21st of June, dividing time with his opponent, Henry, and the *Appeal* said it had "never witnessed a more complete, overwhelming triumph than that of Mr. Johnson. Mr. Henry was met and overthrown at every point with a power of humor, logic and aptness of illustration which we never heard surpassed on the stump. In the opening of his remarks the manner of Mr. Johnson was labored and unpromising, but as he progressed and warmed with his subject he rose to ease, power and commanding eloquence, until the audience, fairly taken by storm, made the hall ring with loud and prolonged peals of applause. Such a display of intellectual fireworks as he let off around the head of his bewildered antagonist we never saw before. Mr. Johnson is about the middle height, well made, with a bright, intelligent eye, and a face in which firmness and sagacity are strongly combined. He is in the very prime of life, his jet black hair as yet almost 'unstreaked by a line of grey.'"

some journalistic changes. Mr. H. L. Guion withdrew from the business management of the *Eagle and Enquirer*, and was succeeded by Mr. J. C. Lanier, and late in June Mr. J. P. Pryor retired from the editorship of that paper, leaving Colonel J. H. McMahon in charge Mr. Henry T. Hurlbut was appointed naval agent vice Perrin removed; Mr. Leroy Pope delivered a eulogy upon Daniel Webster; the Rev. Dr. Porter, pastor of the Cumberland Presbyterian church, was appointed to the chair of natural history in the Memphis Medical College; C. G. Baylor, late United States consul at Amsterdam, lectured upon the benefits of direct trade between the South and Europe; the people were greatly elated over the appointment of Jefferson Davis to the position of secretary of war in Pierce's cabinet; Gottschalk, the renowned pianist, gave two concerts; the Pigeon-roost Plank Road Company was chartered and organised, and a fruitless discussion in regard to the church's right to control the public schools was carried on for a few days, the *Appeal* declaring itself firmly for secular education entirely free from ecclesiastical control, pointing with pride to the public schools of Memphis, which then mustered five hundred and eighty-four pupils, and "that, too, in the face of many excellent private schools."

VI.

THE year 1854, by contrast with that of 1853, was one of local anxieties and political excitements, and of unusual activities and ambitions of prosperity. A census of the city, taken early in January, showed that the population had grown to 12,687, an increase of nearly 4,000 over the Federal census report of 1850, and there were 750 pupils in attendance upon the public schools which, well conducted, had won their way to the affections of the people, who, all over the State, were realising the benefits and had become hearty supporters of public education. A law passed by the Legislature, in January, authorised the county court of each county to levy a tax of twenty-five cents on each poll, and two and a half cents on each $100 worth of property, for the use of the common schools. If two-thirds of the justices of any county were not in favor of levying such a tax, it was made the duty of the court to order an election to be held to ascertain the wishes of the people. This nearly doubled the school tax for the State, and, added to the special tax levied for the city schools by the act of 1852, enabled the board of school visitors to meet the necessities of the children and provide them with advantages equal to the most favored schools in the country. The public schools of Memphis were never better officered than at this time, nor have they ever had a better trained or more skilled class of teachers. As a result of judicious management they had leaped at a bound into the public confidence. The people were full of enterprise and were looking closely into their affairs, and embraced every opportu-

nity for aggrandizing themselves and the city. They were very clear as to what they desired and designed, and equally so as to the methods they adopted to accomplish their purposes. Plank roads were to be great aids to railroads, as well as helps to the planters of the county and those adjoining, to reach the city, and they were willing to co-operate in every effort at the quick construction of them, so as to overcome the difficulties nature had put in their way in a tenaciously muddy soil when the rains and sleet, and sometimes snows, of winter set in. In January, the Memphis and Somerville, and the Horn Lake Turnpike companies were chartered and organised, and a meeting was held by influential citizens of the northern part of the city to protest against the location of the depot of the Memphis and Ohio Railroad (chartered as the Nashville and Memphis) in South Memphis. D. McComb was chairman of this meeting, and Messrs. E. McDavitt and John L. Saffarans were the secretaries. Judge J. T. Swayne, F. Baxter, D. Saffarans, J. S. Kain, J. T. Leath, R. B. Hawley, J. T. Stratton and William Maddox were appointed a committee to draft resolutions of protest, which they did, with such convincing logic as moved the directors of the road to yield to their demands. They insisted that "the natural approach of the Memphis and Louisville (Ohio) Railroad" wa "to the northern portion of the city," that "being the oldest part of the city, it" had "contributed more and for a longer period to its support and advancement than any other. To run said road to the southern portion of the city, would require a useless waste of the capital of the road in the purchase of the right of way, over and through valuable lots and improvements in the city and its suburbs, intersecting and crossing every street in the city, running east and west." And following this there was another resolution, that by the light of existing public opinion, clamorous for union depots, shows how narrow and provincial this enterprising people could be in some things. This resolution reads that "the concentration of depots in any one part of the city would occasion an inconvenient and dangerous crowding of the streets in the vicinity thereof, and a loss to the city of a large share of the advantages derived from transient travel and freight between the depots." But this was not a time for the directors to controvert a point made with so much seriousness of alarm by the property owners of North Memphis. They were calling for more stock subscriptions for the road, and Colonel Sam. Tate was demanding of the city the installments of subscription made by the corporation to the Memphis and Charleston Railroad. During this month the board of mayor and aldermen conveyed the arsenal grounds to Calvin W. Cherry, trustee for Cherry, Caldwell & Co., for the sum of $31,951.75, making reservations for streets and alleys, the purchasers afterward subdividing and selling it in lots. This ground came into the possession of the Federal government from Captain Nathaniel Anderson, who, in April, 1837, conveyed to it for $3,500, a part of county lot number 501, now bounded north by Adams street, east by Orleans street,

south by a line from about twenty to forty feet south of Court street, and west by a line from about 150 to 200 feet east of Lauderdale street. At that time Adams street, east of the bayou, was called Overton avenue, and was only thirty-three feet wide. This tract was purchased by the government for use as an arsenal, and is known in deeds as the arsenal grounds. Having become useless for military purposes, it was sold at public auction for $27,000, and in September, 1853, was conveyed by Jefferson Davis, then secretary of war, to the city, which in February was granted a new charter, enlarging some of its powers, and anticipating a gift of the navy yard from the Federal government, included it within its jurisdiction. The judiciary bill was also amended at the same time so "that the qualified voters of the county of Shelby shall elect a judge of the Common Law and Chancery Court of the City of Memphis. The qualified voters of the counties of Shelby, Fayette, Tipton and Hardeman, shall elect a judge for the Eleventh Judicial Circuit, composed of said counties. The qualified voters of the fifth, thirteenth and fourteenth Civil Districts in Shelby county, in which Memphis and Fort Pickering are situated, shall elect a judge of the Criminal Court of Memphis, and also an attorney-general for said Criminal Court; and the qualified voters of the counties of Shelby, Fayette, Tipton and Hardeman—the fifth, thirteenth and fourteenth Civil Districts in Shelby county excluded—shall elect an attorney-general for the Eleventh Judicial Circuit." Dr. Quintard, during this month, published his promised pamphlet upon the health and mortality of the city, which still had a bad name, and the year before had been so faithfully described as in a very unsanitary condition, by the board of health. The doctor proved, "1. That Memphis, during the year last past, which has proven to be one of great mortality throughout the Southern country, has enjoyed an unprecedented degree of healthfulness and exemption from disease. 2. That those dreadful diseases, consumption and inflammation of the brain are much more rare than our mortuary reports would indicate." Doctor Quintard, in this report, supplied a table exhibiting the comparative mortuary return of the three years last past, which gave the following result:

Mortuary Returns of the City of Memphis for 1851, '52 *and* '53.

	Jan.	Feb.	March	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1851	22	26	37	37	70	145	86	61	73	72	38	50
1852	38	32	30	35	55	119	104	58	67	64	56	47
1853	53	27	36	25	36	33	41	38	37	40	16	30

Total number of deaths in 1851 717
" " " 1852 705
" " " 1853 412

The doctor explained that of the 412 deaths in 1853, 151 were of children under five years, leaving only 261 deaths of persons over that age and that 117 were negroes and 285 white persons. Consumption killed 49 persons, inflammation of the brain, 31, convulsions 21, 101 being deaths from diseases

of a constitutional and accidental character "or those," as the *Appeal* insisted, which could "by no possibility be ascribed to local influences." The *Appeal* was well pleased with this report, which it characterised as sufficiently exhibiting to the most careless observer "a most favorable condition of the bills of mortality," and induced it to "doubt whether any city in the Union" could "show results so favorable to its sanitary condition." There was "certainly none in the Mississippi Valley which can approach these statistics. These reports exhibit a condition of health which seems more like fiction than fact." They were very grateful to the people and had a decidedly stimulating effect, because, as the *Appeal* admitted, "Memphis owed its present importance, in a very large measure, to the advantages of its location, and has had steadily to encounter very heavy drawbacks in its career of prosperity, from its reputed unhealthfulness, and other causes which might be enumerated. The time has been, within our memory, when it was regarded, not only in remote sections, but in the adjacent back country, as a journey of no inconsiderable peril to visit the city for the transaction of necessary business, and when the enterprise was entered upon with something of the resolution which appertains to the fulfillment of a difficult and hazardous undertaking. The experience of many of our citizens will remind them of the fact that they regarded themselves as entering upon a career having an odor of daring in it when they become residents. Although the population and prosperity of the city have increased apace, despite these influences, yet it must be evident that the prevalent conviction of the insalubrity of our climate and locality has obstructed the business prospects of the place, and in the same ratio impeded its prosperity and progress. This conviction has happily been dissipated by the unerring verdict of Time and the results of a patient experience, which demonstrates the falsity of the idea which has heretofore lain a stumbling block in the way of advancement." The assurances afforded by this report of Dr. Quintard had an excellent effect upon the people, who were also encouraged by the general spirit of public improvement abroad in the State, and at that moment by the desire of the people of Florence that the counties of Alabama, north of the Tennessee River, should be annexed to the State of Tennessee, in order that they might avail themselves of the works of improvement then projected, and being carried forward. Tennessee was far in advance of her neighbor States, and was assisting them in the development of their resources, Arkansas and Mississippi especially, in whose behalf her Legislature petitioned Congress to grant those States the swamp lands within their borders to create a fund for levee purposes. She also, at this time, stimulated by the confirmation of the Gadsden treaty, made common cause in the matter of the El Paso Pacific Railroad with Texas, against Colonel Tom Benton's project of a Pacific Railroad from St. Louis, and promptly co-operated with the other southern and southwestern States in their commercial conventions, one of which, an

adjournment of the Memphis convention, was held at Charleston, in April, and which recommended (1) a reduction of the duty on railroad iron; (2) the establishment of one or more mail routes from southern ports to Europe; (3) negotiating with Brazil for the opening of the navigation of the Amazon; (4) the appointment of a committee of one from each State represented, to examine into the mail service throughout the South, and devise means of improving it; (5) recommending that the Southern States take stock in a railroad to the Pacific. The general agreement on this last proposition was caused in no small degree by the reported action of the Senate on the Gadsden Treaty. The attempt to close the Southern route was felt to be a movement of political spite, as in a commercial point of view there could be no question of its great superiority in shortness, cheapness of construction and facility. This was the only act of the convention having a political cast, and it was in answer to a political movement of the North—"and" said the Charleston *Mercury* "a very appropriate answer." Among the incidents in February that affected the interests of the people of Memphis were the chartering of the Memphis and Charleston Railroad by the Legislature of Mississippi; the passage by the same body of a bill prohibiting the circulation of bank bills of a less denomination than five dollars; the chartering by the Tennessee Legislature of the Bank of West Tennessee, in which Cherry and Caldwell were the principal movers; and the chartering of the Chattanooga Railroad. In March there was the appalling calamity of the burning of the *White River* packet and the loss of fifty lives in White River; the establishment of the Citizens' Bank, chartered in 1852; ex-President Fillmore's visit, the organisation of the Elmwood Cemetery Company, and the card of Mayor A. B. Taylor, who declined to be a candidate for renomination and election. In April the election of Colonel Sam. Tate to be president of the Memphis and Charleston Railroad gave great satisfaction; also the projection of the Memphis and Covington Plank Road; the arrival of the De Vries Italian Opera Company, the first ever heard here; the progress of the filibuster Walker in Nicaragua; and the remarkable progress made in manufactures, as shown in a series of well written articles that had been running through the *Appeal* since January. In May the firemen's parade; the meeting of the general assembly of the Cumberland Presbyterian Church and voting for subscriptions to the Memphis and Grenada (Memphis and Tennessee), and the Memphis and Ohio (Memphis and Louisville) Railroads. During this month, too, the Douglas Kansas-Nebraska bill was passed after heated debates extending over four months. The introduction of this measure in February was a surprise to the country and at first a disappointment, because it reopened the question of slavery, which both parties were pledged to prevent and oppose. Mr. Douglas had introduced a bill to organise the territory of Nebraska at the session of Congress in 1852–53, but it met with much opposition, especially from Southern members, and was passed over. Nothing

daunted, the senator reintroduced a similar bill at the beginning of the long session of (in December) 1853-54, stating for the especial benefit of Senator Atchison, of Missouri, that he believed the compromise of 1850 had superseded and annulled the interdict of 1820. This interdict (the Missouri compromise), it will be remembered, abolished slavery in that portion of the Louisiana purchase north of latitude 36° 30′, ignoring the portion south of it; all the southern portion, outside of the Indian Territory, was covered soon afterward by the slave State of Arkansas; and in the territory afterwards acquired from Mexico, both sections had united in 1850 in an agreement to ignore the existence of slavery until it could be regulated by the laws of the States which should be formed therefrom in future. To obviate this difficulty, Senator Dixon, of Kentucky, on the 16th of January, 1854, introduced an amendment to Mr. Douglas's bill repealing the Missouri compromise. This took the Senate by surprise, and created a great deal of excitement throughout the country. Douglas, who contended that slavery was subject to local law, and that the people of a territory, like those of a State, could establish or prohibit it, immediately remonstrated with Dixon, who had been a conspicuously zealous friend of the compromise of 1850. But the latter stated that he would persist because he was "well satisfied that the Missouri restriction, if not expressly repealed, would continue to operate in the territory to which it had been applied, thus negativing the great and salutary principle of non-intervention, which constituted the most prominent and essential features of the plan of settlement in 1850."[1] Ultimately, a few days after this, and while the

[1] Mrs. Susan B. Dixon, writing at Henderson, Ky., on the 2d of May, 1887, in defence of her husband, Senator Dixon, and the successful efforts he made in 1854 to secure the repeal of the Missouri compromise, believing as he did in the policy of non-intervention, says: "The history of the act of 1820, commonly known as the 'Missouri compromise act' — by which Missouri was given permission to enter the Union without any restriction upon her as to slavery, and slavery was at the same time prohibited in all the territory of the United States west of the Mississippi, lying north of 36° 30′ — was not a southern measure; Henry Clay was not its author; and it was not a 'sacred compact' between North and South, and its repeal a 'gross violation of plighted faith.' On the contrary, the entire legislation for the three sessions of 1818–19, 1819–20, and 1820-21, was but a continued and prolonged contest for power, resulting in the agreement that Missouri should be admitted into the Union free and untrammeled, in full possession of State sovereignty; that this condition was never fulfilled, and that Missouri was not admitted under this agreement at all — which was the act of 1820 — but was denied admission by the same northern majority which had forced restriction upon an unwilling South, who accepted it as the only alternative for the dissolution of the Union. This denial sufficiently evidences that the act of 1820 was not regarded by the North as a sacred compact — as, of course, if it had been, they would not themselves have violated it by such denial, within less than one year after its enactment. They did not then even claim it as such, but expressly repudiated the idea, claiming that if there was any compact at all, it was not between North and South, but between the United States and Missouri, and that Missouri had broken her compact, and therefore she was denied admission into the Union. Missouri was afterward admitted under an entirely separate act from that of 1820, and under an entirely new condition — a condition which was an attempt to limit her State sovereignty as to the exclusion of ob-

subject was still warm, Senator Douglas, with Senator Dixon's permission, took charge of the amendment and ingrafted it on a third territorial bill which he introduced on the 23d of January, organising the two territories

noxious persons from her borders — a right which had been freely exercised by the older States — and an act which was utterly incongruous and absurd, at which Mr. Clay was said to have 'laughed in his sleeve' [Appendix, Vol. 29, *Congressional Globe*, page 147], although offered by himself — and which Judge Douglas termed 'the richest specimen of irony and sarcasm that has ever been incorporated into a solemn public act.' [Appendix, Vol. 29, *Congressional Globe*, page 331.] Missouri's exclusion, for a time, from the Union, as well as the prohibition of slavery north of 36° 30′, were both simply acts of power on the part of the majority in Congress, which another majority had the perfect right to undo whenever it could; and this, without any violation of 'plighted faith' whatever. As regards the repeal of the Missouri compromise, its true history shows that even graver errors of belief have arisen concerning it. It has been called 'a plot,' 'an intrigue,' 'surrounded with mystery.' and it was even stated as coming from the Hon. William H. Seward, of New York, to have been the result of collusion between himself and the Hon. Archibald Dixon, of Kentucky, for the purpose of bringing to life the Black Republican party of the North. This statement, said to have been made by Mr. Seward, though false as a statement could be, and utterly without foundation in fact, has doubtless been the origin of all the suggestions of plots and intrigues and mystery that have surrounded and obscured this measure. This repeal was, in no way or manner, a plot or an intrigue, or the result of collusion with any person or persons; it was the logical outgrowth of previous circumstances and events, the logical sequence to the legislation of 1850, and the only policy logically consistent with the great principal of non-intervention by Congress with slavery in the territories, which had been adopted in 1850 by Congress as the basis of its action regarding the territories. Mr. Dixon, as senator from Kentucky, could have pursued no other course than to move the repeal of that act of intervention (by which the whole Southern people were shut out from the great western territories) without inconsistency and a departure from the very principles of non-intervention which, as put forth by Mr. Clay, he had maintained and advocated with signal ability, and with all the vigor and energy of his nature, before the people of his State, and at the cost of his own election as governor in 1851. Judge Douglas was the true author of the compromise measures of 1850; Mr. Clay received them at his hands, and adopted them as his own, without even a change of verbiage, carrying them through Congress by the sheer force of his wonderful personality; Judge Douglas, having himself embodied in those measures that policy of non-intervention, only needed to have it pointed out to him that his Nebraska bill did not carry out that policy truly, but only on its face; that when convinced of this he needed no other motive to prompt him at once to meet the difficulty in the only way in which it could be met — by incorporating in his bill a virtual repeal of that act of restriction heretofore spoken of. And he did this knowing that it was at the risk of all personal popularity in his own State. This repeal was simply the bold and straightforward act of a bold and straightforward man, whose only design was to secure to the people of the slaveholding States that equal justice to which he believed them entitled, and of restoring to them those equal rights of immigration to and settlement in the vast western territories of the United States of which they had been wrongfully deprived by the celebrated act of 1820. It has been said, and perhaps believed by many, that the repeal of the Missouri compromise brought on, or at all events hastened, the war between the States. It may have done so. But suppose it did — does that alter the fact of the justice of the claim of the South to her equal share in the great territories of the West? Was the refusal of the North to grant to the South that to which she was entitled any evidence that the South was not entitled to it? And because the South had yielded her rights in the territories when she could not keep them without disunion, was that any reason why she should not attempt to regain them whenever an awakened sense of justice,

of Kansas and Nebraska, instead of one, as in the first two measures. It declared the compromise of 1850 to be inoperative and void, because it was inconsistent with the principle of non-intervention by Congress with slavery in

on the part of the conservative men of the North, should enable her to do so? Had she not, in 1854, every reason to suppose that this was the case? And was it not really so? When Franklin Pierce, after having voted in Congress straight out for the resolutions of Mr. Calhoun, was elected president of the United States, was there not good reasons for belief that that sense of justice to the South *was* awakened in all hearts save those of the Abolitionists, whose only care was for the negroes of the South and themselves, and who had no sympathies whatever with the whites of that region? No; it was not the *repeal* of the Missouri compromise that hastened the war — it was *the departure from the principle of that repeal, non-intervention*, that brought it about. Had that great principle been carried out fairly by the people and parties on both sides, there would have been no war. Had the territories been left to their natural settlement, according as climate and soil should dictate, as was expected and designed by the mover of the repeal, there would have been no war. It was the departure from this policy by the extreme men of both the great parties of the country that brought it on. The South only wanted justice — that justice as to which Henry Clay had declared in his great speech of 1850: 'I insist that if there be legislation interdicting slavery north of the line, then the principles of equality would require that there should be legislation admitting slavery south of the line.' The plain corollary of this proposition being, that if slavery were not admitted south of the line, then neither should it be prohibited north of the line. Mr. Clay did not demand the repeal of the Missouri compromise in 1850. He only declared the principle of it unjust, and advocated non-intervention. He did not demand for the South that justice to which he declared her entitled, because he thought it could not be obtained. Mr. Dixon, in 1854, did demand it, because he believed it to be right, because he relied on the sense of justice of the Northern people to do that which was right, and because it was the only way by which that non-intervention, which he himself had advocated, could be made a reality instead of a mere sham. He demanded this equal justice to the South because he believed it could now be obtained; and was he to decline to make such a demand because it might be refused? It must be remembered in connection with this whole matter that the South was contending for her own self-preservation — for her own political existence. The North was rapidly progressing in power and numbers. Whenever she should attain to a three-fourths majority of the States she could constitutionally abolish slavery. To have the negroes set free among them was a thing viewed, at that time, with the utmost horror and aversion by the Southern people, for they felt that they would lose their own liberties in the process and would become not only an enslaved people to the great northern majority, but exiles from their country and their homes, which they would be compelled to abandon and give up to the blacks, as no one believed that the two races could ever live together in peace when the blacks were no longer under control. The only way, then, to avert this catastrophe was for the South to acquire enough new slave States to prevent the North from getting a three-fourths majority. For so long as this majority did not exist the Constitution would protect the South in her right to hold her slaves. But the only way by which she could hope to acquire new slave States was to have the territories thrown open to her people for settlement with their slaves. However the war may have been brought on or hastened, and whatever may have been the strictures since regarding the repeal of the Missouri compromise, one fact is clear and can be clearly shown, that Mr. Dixon had with him at the time, in sentiment and opinion, the whole of the Southern people and the entire Democratic party of the North, excepting the Free Soil wing of it, and perhaps a few men whose prudence forbade so bold a demand for rights which had been so long ignored they had ceased to be recognised as rights. When he offered that repeal he felt, as did the whole South, and the Democrats of the South as a body, that he was but doing his

the States and territories; and that it was the true intent and meaning of this act not to legislate slavery into any territory or State, not to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution. The South was at once almost a unit for this bill, but the North was divided. The *Appeal* hailed it with satisfaction, and expressing the general public voice of Memphis and the Southwest, said that "by unanimity and harmony of sentiment, the opportunity is now presented to the Southern people, for the first time in their history, of bringing about a *final* adjustment, in truth, of the great disturbing element of our Federal policy. The Missouri compromise was never satisfactory to the South, though her statesmen have scrupulously abided by its provisions for the sake of peace and harmony. It was passed over the heads of the Southern delegation in Congress, by the force of a numerical superiority of Northern votes. Our wisest statesmen, and those who have been held as the lights of the true interpretation of the constitution, have always proclaimed its unconstitutionality. It has ever fostered sectional dissension and discord, and an anti-national distinction between the Northern and Southern divisions of the Union, by reason of the geographical line which it marked out as the boundary between the Northern and Southern, or slavery and anti-slavery States. On this account the far-reaching intellects, the sagacious and fore-sighted statesmen of the country, have ever viewed it as a mere temporary expedient—a patch-work compromise, which for the time only was calculated to allay sectional excitement, but which nursed within itself the germ of a permanent division which must extend wider and grow deeper, because of the legislative sanction thus given to a great geographical line of demarcation between the people of a common government. And these statesmen were right. The truth of history vindicates their prophecy. The Missouri compromise has been to the Western Republic like the Cadmian dragon's teeth planted in our soil,—prolific of strife and generating armed men and rankling feuds. The sore has only been permitted to fester and inflame, to break out again with a more copious issue of gangrene and poison. The agitation of 1850, was the natural sequence of its insufficient and arbitrary provisions. What the country wanted was a *principle*, a *rule of legislation* which would apply with equal force and appositeness upon each addition to our territory."

high and bounden duty as a true patriot in removing the legislative obstacle which stood in the way of the Southern people in regard to the settlement of the new Territories, and thereby the acquisition of new States, which should enable them to maintain their own freedom under the constitution, their own equality in the Union, and their constitutional right to regulate their own internal policy. The whole matter in a nutshell is this: The principles of non-intervention by Congress with slavery in the territories, as embodied in the compromise measures of 1850, meant that the people of the territories should vote as to whether they should have slavery in the territories or not; but how could the Southern people ever vote in the territories when the Missouri restriction prohibited their going there? Hence its repeal, in justice to the South."

The debates that ensued upon the bill, extending over four months, aroused both sections to an intense degree of acrimony and bitterness, that in some cases beggared the scenes and language of the angry sectional contest of 1850. Douglas's long and able speech in explanation of his course, and the justice of the bill, was published by the *Appeal*, with comments, full of adulation for the "little giant of the West," who was thus more conspicuously than ever brought before the country. It passed the Senate March 3, 1854, by a vote of thirty-seven to fourteen, and the House on the 24th of May, by a vote of one hundred and thirteen to one hundred, prescribed the geographical limits of the two territories of Kansas and Nebraska, and provided (1) That all questions as to slavery in the territories, or the States to be formed from them, were to be left to the representatives of the people therein residing; (2) That cases involving titles to slaves or personal freedom might be appealed from the local tribunals to the Supreme Court; and (3) That the fugitive slave law should apply to the territories. These were declared to be the propositions and principles established by the compromise measures of 1850. The president, who had adopted it as an administration measure, notwithstanding his inaugural pledge to stand by the compromise of 1850, signed it and it became law. "And thereafter," as Greeley says in his "Recollections of a Busy Life," "commenced a practical struggle between freedom and slavery for the possession of Kansas, which lasted down to her final admission as a free State, after the Southern representatives had abandoned their seats in Congress, in obedience to their States' respective ordinances of secession." The passage of this bill destroyed the Whig party, most of those of the South going over to the Democratic party, and those of the North to the new Republican party; it crystallised all the Northern element opposed to slavery into a sectional party, and put the South more pronouncedly upon the defensive. It led the people of the South to believe that the North was steadily organising for a crusade against slavery, and the people of the North to believe that those of the South were determined upon a greedy and grasping purpose for the spread of slavery, and its perpetuity as a dominating influence in the political affairs of the republic. It laid bare the fact that freedom was in irrepressible conflict with slavery; that either must dominate; that the people could not serve two masters, and the republic could not exist half slave and half free. For the time the conflict was carried into the territories, and there was the cause of turmoil, rebellion and bloodshed lending the excitement of these accumulated horrors to the national campaign of 1856, which was participated in by the pulpit as well as the press, and was notable not merely for its party divisions, but also for a bitterly hostile sectional feeling, culminating in the election to the House of Representatives of 75 Democrats, 40 Know-Nothings and 108 anti-Kansas-Nebraska members, the remaining number being classed as undecided; whereas the House, organised in 1853, stood, Democrats 159, Whigs 71, Free-soilers 4;

Democratic majority 84. While the debate upon the Kansas-Nebraska bill was almost monopolising and engrossing public attention, a secret political organisation had sprung into being in Boston, an offshoot of the "Native American party," that at one time seriously threatened the existence of the Whig party, and was vigorously opposed by that party. It was first brought to the attention of the people of Memphis by the *Appeal*, on the 17th of June, in the issue of which day it published the following platform, copied from the organ of the new party, the *Know-Nothing and American Crusader:*

1. Repeal of Naturalisation Law.
2. None but Native Americans for office.
3. A pure American Common School System.
4. War to the hilt, on Romanism.
5. Opposition, first and last, to the formation of Military composed of Foreigners.
6. The advocacy of a sound, healthy, and safe Nationality.
7. Hostility to all Papal Influences, in whatever form, and under whatever name.
8. American Institutions and American Sentiments.
9. More stringent and effective Emigration Laws.
10. The amplest Protection to Protestant Interests.
11. The doctrines of the revered Washington and his compatriots.
12. The sending back of all Foreign Paupers landed on our shores.
13. The formation of Societies to protect all American interests.
14. Eternal enmity to all who attempt to carry out the principles of a foreign Church or State.
15. Our country, our whole country, and nothing but our country.
16. And finally—American laws and American Legislation, and death to all foreign influences, whether in high places or low.

The *Appeal* characterised this as a more sweeping platform than that of the defunct Native American party; "that its objects are much more sweeping and intolerant, and that it promises to engraft upon the politics of the country a more strife-stirring, deep-seated and deadly fanaticism than any that has hitherto reared its crest to the sunlight of popular investigation. We refer, of course, to the objects of the association as they are disseminated through its organs, not to the motives of the members, which we are willing to allow in many instances to have originated in honorable impulses." The *Appeal* did not know at the time it was publishing these rather kindly words of comment that already many Know-Nothing lodges had been formed in Memphis. But such was the fact. Only twelve days after, on the 29th, it announced that the new party had re-elected A. B. Taylor, mayor, and had carried nearly all the wards for their candidates for city recorder, city marshal, wharfmaster, tax collector and captains of day and night police. But this party, so utterly repugnant to the spirit and genius of the republic and so opposed to its material interests, its growth and progress, was never destined to a national success. It was the expression of a worse than sectional passion, of religious hate and intolerance, and therefore could not live. It put Fillmore in nomination in 1856, but he and it were almost forgotten and covered out of sight in the discussion and agitation of the slavery question. Wise in a State can-

vass in Virginia, and Andrew Johnson in this State gave it the *coup de grace.*[1] Mayor Taylor, who had thus been re-elected to serve a third term, issued and signed while mayor, from July, 1852, to July, 1855, a great many bonds. His first issue was to the Memphis and Charleston Railroad, and they were numbered from 1 to 261; the next, for grading and gravelling, was from 326 to 340; for cash, from 351 to 355; for grading and gravelling again, 356 to 360; for cash, from 381 to 429; for grading and gravelling again, from 430 to 434; for collateral, from 435 to 520; for cash to pay indebtedness, from 521 to 524; for grading, 535 and 536; to the Memphis and Charleston Railroad, from 537 to 826; to the Memphis and Ohio Railroad, from 827 to 926; to the Mississippi and Tennessee Railroad, from 927 to 1076; to the Memphis and Little Rock Railroad, from 1077 to 1136; a total of $1,032,000 added to the debt. These figures and those already given, and those to follow, as to the formation of the debt, are instructive as affording some evidence, all there is, of the way in which that debt was made. They will be especially so when the day for payment is reached. They were a mortgage upon the earnings of the people, and their ultimately cumulative effect was almost as disastrous as death. In this month the Shelby County Agricultural Society was formed, the Mechanics' Institute was organised, with Mr. F. H. Clark, for president, and the State Female College was founded; and beside the bloody Know-Nothing riot in Brooklyn, the newspapers discussed the liberation or purchase of Cuba, the expedition of Filibuster Walker to Nicaragua, and the effects of the Crimean War upon cotton. In July, the meeting in convention of the State temperance societies at Nashville, was a principal topic which Memphis, through her temperance organisations, was specially interested in. In presence of this gathering, for the first time in the history of the State, prohibition was advocated, Judge West H. Humphreys declaring himself warmly in favor of it, believing that such a law would not be unconstitutional. His speech, which was exhaustive of the subject and conclusive to those present, induced the adoption of resolutions

[1] What this order was may be gathered from this extract from its ritual: "No person shall be proposed as a member of this order unless he be a white male, of good moral character, of the age of twenty years, a believer of the Supreme Being, *and born within the limits of the United States of America. The parents and at least one of the grandparents* of all candidates must have been born within the United States." The following was the oath taken by the members: "I hereby swear ‖ eternal fideilty to the vows ‖ I have taken in this order ‖ I also swear ‖ that I will advance the interests ‖ of every native born American citizen ‖ especially the members of this order ‖ to the entire and absolute exclusion ‖ of all aliens and foreigners ‖ and more especially those ‖ who belong to, or approve of ‖ the Roman Catholic faith ‖ so help me God. And I further promise and *swear* ‖ that I will strictly conform to and abide ‖ by the oath I have now taken, ‖ and that I will *strict obedience pay* ‖ to the Constitution, ‖ laws, ‖ rules ‖ ritual and edicts of the honorable Grand Council of this order of the State of Ohio, ‖ and of the by-laws of ——— Council, No. ——, to which I now belong, ‖ or to those of any Grand or Subordinate Council, ‖ from which I may hereafter hail, ‖ binding myself under the no less penalties ‖ than are attached or belong to ‖ those who violate the oath of the first degree of this order."

contending for absolute and unconditional prohibition. The newspapers "fought shy" of the subject and devoted themselves instead, with renewed ardor, to a proposal by the *New York Day Book*, to reopen the slave trade, to Senator Jones's speech in opposition to the repeal of the fugitive slave law, which, although "Jimmy," as he was termed by his admirers, was a Whig, was warmly commended by the *Appeal*, which embraced the occasion to endorse his attitude on the Kansas-Nebraska bill. The newspapers were also much encouraged by the arrival of Robert J. Walker, late secretary of the treasury, accompanied by Butler King, on their way to Texas *via* New Orleans, to make arrangements for the completion of the Southern railroad to the Pacific, which it was believed would be "in running order" before three years had passed. In August, a proposal by Russia to sell Alaska to the United States, created some stir, but nothing to compare with that which followed upon the bombardment of Greytown, by Commander Hollins, the *Appeal* devoting a whole page of its issue of the 12th to the official correspondence that preceded and followed that well-endorsed method of punishment. On the 16th there was some excitement over the arrival of two hundred Irish laboring men, employed by a contractor engaged in levee building in Mississippi. It was rumored they were part of the Irish Catholic contingent who fought the Know-Nothings in St. Louis so successfully, and were "in search of a row," and "spoiling for a fight." But the *Appeal* reassured the public as to their peaceful purposes, in an article of mingled contempt, sarcasm and denunciation of Know-Nothingism; but the excitement did not pass away until the departure of the good-humored "navvies," who were all unconscious of the importance to which they had been elevated "by the fears of the bigots in Memphis." But this was as a zephyr to a tempest compared to the storm that followed the confirmation of a telegraphic message which had appeared in the *Eagle and Enquirer* on the 8th, to the effect that Congress had passed an act ceding the navy yard, its "grounds and appurtenances," to the "mayor and aldermen of the city of Memphis." There had not been any premonition of this, not a word of any kind hinting or suggesting it, and it came to the people as the unexpected thing which always happens. Neither the people nor the authorities could make anything of the announcement until confirmation reached them from Washington in the shape of telegrams from Senator Jones and Representative Stanton, confirming it. These were supplemented by the publication, in the *Appeal*, of a statement of the facts of the cession from the *Washington Star*, which stated that,

> Among the last acts of Congress was actually a successful motion to donate the Memphis Navy Yard to the mayor and town council of that burgh. It seems that some functionary there estimated for the expenditure of hundreds of thousands of dollars in improvements upon it. The Senate reduced the amount to about $60,000, and the House still further reduced it to some $13,000. Senator Jones, of Tennessee, when the bill came back, in great indignation moved an amendment donating the yard, as above explained, which actually passed! In the House, ere the naval appropriation bill passed, this clause was still further amended by the addition of a proviso that the cession should be made, provided Mr. Perrin (the brother-in-law to

the Messrs. Stanton), late navy agent there, should be credited by the department with a balance, which they (the department), claim as being due on his account. It seems that he deposited the money in bank there for a contractor on government account. As the bank claimed that he was their debtor on his private account, they passed the deposit to that last account instead of paying it to the contractor on Mr. P.'s public account. As a matter of course the treasury officers insist that, unless he presents valid vouchers for the disbursement of that sum, they will not allow him credit for it. Taking all the circumstances into consideration, this is the most remarkable legislation on record. The act of ceding the Memphis yard, however, is a good one for the public interest; as it should never have been established—being worse than useless to the public service. The government have done well to give it away, on any terms, to any parties who would relieve them of the expense of its worse than useless maintenance. The act of setting the precedent of settling the accounts of navy agents after this fashion, however, bids fair to be as injurious to the public interest, quite, as the original establishment of this same Memphis Navy Yard, so unceremoniously thrown away. We know not as yet who is responsible for the motion on which the Perrin proviso was added to this cession clause. If the people of Memphis prefer to have the yard kept up, they have only to refuse to accept the cession.

The *Appeal*, introducing the statement from the *Star*, characterised the cession "as a singular transaction," and it assumed that "of course the measure will be vetoed by the president." But it was not, as two days after this publication the mayor received the following communication from the secretary of the navy:

NAVY DEPARTMENT,
August 11, 1851,

To the Mayor of Memphis:

SIR: Congress at its recent session incorporated into the Naval Appropriation Bill the following section:

[Here follows the 2d Section of the Naval Appropriation Bill, to be found in an article in this morning's paper.]

In order that the department might avoid mistake from an erroneous construction of the law, the subject was immediately referred to the attorney-general for an opinion, a copy of which is herewith enclosed.

On receiving information from you that the mayor and aldermen of Memphis will accept the cession proposed, I shall proceed, at the earliest practicable moment, to carry the law into execution and direct the commandant to surrender the navy yard and appurtenances accordingly. Hoping to hear from you of the views of the mayor and aldermen at your convenience,

I am, very respectfully, your ob't serv't, J. C. DOBBIN.

The following is the opinion of the attorney general upon the doubtful clause in section two, "the grounds and appurtenances thereto belonging":

ATTORNEY GENERAL'S OFFICE,
August 8, 1854.

SIR:—I have received your letter of the 7th inst., propounding certain questions as to the construction of the 2d section of the act of Congress, making appropriations for the naval service for the current fiscal year.

That section is in the following words, namely:

"SEC. 2. *And be it further enacted*, That all the grounds and appurtenances thereunto belonging, known as the Memphis Navy Yard, in Shelby county, Tenn., be and the same is hereby ceded to the mayor and aldermen of said city of Memphis, for the use and benefit of said city, and that the secretary of the navy order the commandant of said navy yard at Memphis to surrender to the mayor of Memphis said property; *Provided*, That the accounting officers of the treasury, in settling the accounts of the late navy agent at Memphis, shall not deduct the sum of two thousand, nine hundred and sixty-four dollars and fifty-nine cents, al-

ready received by him and passed to his credit on the books of the treasury department, from his salary as acting purser, provided for by an act making appropriations for the naval service of the country, for the year ending the 30th of June, 1853."

Upon which the questions are:

1st. Whether it was the intention of the law to include in the above cession, all the buildings and machinery erected, and public property of every description placed at the Memphis Navy Yard, for purposes connected with the objects of the yard.

2d. Whether the cession is intended by Congress to be conditional, or whether the provision is a distinct and independent provision, affecting only the action of the accounting officers of the treasury in the particular subject matter.

In considering the first question, it is unnecessary to pay particular attention to the language of the enactment, and then its construction is definable according to well established rules of law.

The words are "all the grounds and appurtenances thereunto belonging, known as the Memphis Navy Yard" are "ceded" to the city of Memphis.

These words are descriptive of real estate and nothing else. "The grounds" are the principal to which appurtenances may belong as incidents. Appurtenances of the realty, but they are not and cannot be the land itself. They are incorporeal easements, or rights and privileges appendent to the inheritance.

It is plain, therefore, that the act does not cover public property of every description, placed at the yard for purposes connected with the objects of the yard. Hemp, timber, iron, movable stores or other chattels of any sort are not comprehended by the words "grounds and the appurtenances thereunto belonging." Personal property not annexed to the land is neither "ground" nor its "appurtenances."

Indeed, as the word "appurtenances" signifies nothing but an easement or other privilege attached to the inheritance, the whole virtue of the description is in the expression "grounds known as the navy yard." It is equivalent to a grant of a tract of land bounded so and so, being the navy yard at Memphis.

Such language, *in a grant*, carries all the "buildings" on the land, as a matter of course, whether they be mentioned or not. (ii Rolles Abe. Grant I; Co. Lit. 4 a; Com. Dig. Grant E. 3; Lattrell's case, in Coke, 87.)

It also carries all "machinery erected" for the purpose of conducting any process of industry, art, or manufacture, provided such machinery has been annexed or attached to the freehold, so as to constitute what is in law called a fixture, (Amos and Ferrand, ch. 5). That is to say, the only question here is, whether the machinery spoken of is in the condition of a fixture. Machinery of any sort, and other utensils or objects, not attached to the land, does not pass by the terms of the act. But fixtures are not, after grant of the freehold, removable as between grantor and grantee. Whether machinery be fixtures or not, is a mixed question of law and fact, to be determined by suitable inquiry under the direction of the secretary of the navy.

As to the second question, it is to be remarked that the word "provided," following one clause of a statute, and preceeding another, does not of necessity constitute a condition or a defeasance of the preceding clause.

Even in a deed the words following "Provided," are sometimes construed so as to make, not a condition, or limitation, but a separate and substantive covenant or agreement. (Lord Cromwell's case, ii. Coke p. 72; Simpson vs. Littrell, Cro. Eliz. p. 242; Dockuray's case, 27 H. viii, 14; Clapham vs. Moyle, i Lev. 155). Everything depends on the tenor of the two clauses and the question of their co-relation in sense.

There is an old case on the construction of statutes in which it is said that when a proviso and the clause to which it is attached are irreconcilably repugnant, the proviso shall stand and be held a repeal of the purview, because it speaks the last intention of the law-giver. (The

Attorney General vs. Chelsea Water Works, Fitzgibbon, p. 195.) But this doctrine is now held not to be good law (iii. Kent's Code, p. 62). A proviso in a statute, like a saving clause, is to be rejected, if it be utterly repugnant to the main enactment. (Washington's case, Plowden, p. 563; Mitford vs. Elliott, viii, Cannon, p. 13.)

The true nature and use of "provided" are thus explained by Devarris: A proviso is something engrafted upon a preceding enactment, and is LEGITIMATELY used for the purpose of taking special cases out of the general enactments, and providing specially for them. In its abuse it contains all unconnected matters and disposes of whatever is incapable of combination with the rest of any clause. (Treatise on Statutes, p. 614.)

The word "Provided" in the act under consideration, if legitimately used, would not have the effect of repealing the previous clause, or of constituting a condition precedent to the execution thereof; it would at most amount to a saving clause or limitation, so as to take its subject matter out of the purview of the main clause, if they were in any possible view connected in sense. If "Perrin's accounts" be a species comprehended in the genus "navy yard at Memphis," then it becomes requisite to inquire whether the proviso excepted anything from the previous clause, or stood in the attitude of repugnancy towards it. Such is not the case.

It is apparent on the face of the law that the two provisions of the section are distinct in nature and perfectly independent one of the other, in construction. It is evident that the juxtaposition of the two provisions and their being thrown into one sentence by the word "provided," are accidental or unintentional facts. There is nothing in the sense to create or imply dependency or enactment between the cession of the navy yard and the settlement of accounts of Mr. Perrin. The word "provided" in this instance is to be treated just as if it were a copulative conjunction merely, or a "Be it further enacted."

If Congress had really intended that this second clause should stand where it does, it would be an apt example of that class of provisos, which Devarris denominated an abuse, that is, a hasty method of gathering up and disposing of unconnected matters, incapable of combination with other parts of the act. But the legislative history of the matter is well ascertained. The two provisions are amendments of the bill moved and adopted separately during its passage in the Senate, having no connection of purpose, and conjecturally put together by the engrossing clerk, without the consequent doubtfulness of construction receiving the attention of Congress.

I am clearly of the opinion, therefore, that the two clauses are, in legal intendment, each to be considered and disposed of separately, according to the sense of each, the one by the secretary of the navy, and the other by the accounting officers of the treasury, precisely as if they were in separate sections of separate acts of Congress.

I am, very respectfully (signed), C. CUSHING.

Hon. J. C. DOBBIN, Secretary of the Navy.

The publication of these official documents removed all doubts, and the indignation of the people, increasing every day from the first, reached to explosive power. The newspapers were unanimously of the opinion that the gift should be rejected. The *Appeal* indulged "the hope that the accounting auditor will exercise his discretion, touching the accounts of the late navy agent, in such a manner as will hold the absolute cession of the yard in abeyance, until public attention can be directed to the reckless throwing away of the people's money which this act involves. A meeting of our citizens should be called, which every tax-payer should attend, and all should firmly and heartily unite, Whigs, Democrats, Know-Nothings and Know-Somethings, in refusing the acceptance of the bribe to deprive the Southwest of her rightful share of the favors of the Federal Government." On the 28th the board of mayor and aldermen con-

sidered the communications of the secretary of the navy and adjourned, pending the result of a public meeting which had been called and at which Senator Jones and Representative Stanton expressed themselves in favor of accepting the gift, as the navy yard was doomed and its abandonment was with the Federal authorities a foregone conclusion. To this the people would not listen. They did not want the gift, they wanted the navy yard completed and set in motion for the purposes for which over $1,000,000 had been expended upon it. They therefore received with enthusiasm some resolutions offered by Colonel J. H. McMahon, editor of the *Eagle and Enquirer*, requesting the secretary of the navy to prevent the sale and hold the matter in abeyance until the next meeting of Congress. Pending the consideration of these resolutions, the meeting adjourned to the 1st of September. The newspapers of the 29th, which published the proceedings of this meeting, also published a letter from Lieutenant I. N. Brown, U. S. N., then in command of the navy yard, to Colonel J. H. McMahon and others, in which he repeated the arguments which had years before prevailed in favor of the construction of a navy yard at Memphis, and said that:

> With regard to that part of your letter which adverts to the progress of the work (Navy Yard) here: Has it never occurred to you gentlemen, that a great reduction might have been made in the original estimates for preparing this yard for shipbuilding had not a most valuable and extensive portion of it been reserved for "officers' quarters?" This portion, with the exception of the commandant's house, is not yet occupied according to the original plan, and might very well, without further cost, serve as sites for foundry, machine shop, timber sheds and other buildings. Does it by any means follow that there must be a large garden in the navy yard, or extensive grounds about "officers' quarters?" The plan of the yard changed in this respect, it would be for the engineer to determine how much the cost would then be of "filling up and grading" less than according to the old estimates. In building between the "vertical wall" and the river, much of the entire cost is incurred in "piling," or driving timber for the foundation. Would not this very important item be saved by change of plan? All these points are suggestive of others, and might be very much enlarged upon. Without doubt it would cost more to build a single ship here *now*, than it would at New York, but perhaps not so much as it did to build the first one there; but once fairly begun we ought to build as cheaply here as anywhere. In concluding this letter, allow me to express to you my sentiments at the degree of ignorance, which prevails with many with regard to the depth of our great river. It is asserted, or has been asserted, by those who should be better informed, that there is not from here to New Orleans sufficient depth of water for half the year, to carry ships, if built. If this alarming state of things really exists, would it not be prudent to apply for a survey, and have our shoals and sand-banks marked, as they are on the Atlantic coasts, by beacons and lighthouses?

This letter, from Lieutenant Brown, had the effect of confirming the press and people in their course, and the *Appeal*, after eulogising it and the lieutenant, asks, "Shall we abandon the great work because Congress, in some unaccountable freak, has offered to throw it away?" The people, at the adjourned meeting on the 1st of September, answered "No," and respectfully asked the board of mayor and aldermen to postpone the acceptance of the gift until the next meeting of Congress, by which time the people of the South and Southwest might

be heard from in terms that would most likely have the effect of inducing that body to rescind its "hasty and inconsiderate legislation." Thus, said the *Appeal*, "by the deliberate decision of one of the largest meetings that ever assembled in Memphis, and after several days of protracted discussion through the public press, and in primary conventions of the citizens, the question of the acceptance of the Memphis Navy Yard has at length been made to assume this shape: Shall the Memphis Navy Yard, which was conceived by the strong practical mind of Lieutenant Maury, and sanctioned by the foresight, genius, and wisdom of Calhoun, Polk, and Clay, which has been fostered and built up by appropriations from the national treasury, from year to year for more than ten years, and which has cost the Federal government about $1,000,000 of money — shall this great southwestern work be ruthlessly or inconsiderately sacrificed, without discussion or investigation, upon the very last night of a session of Congress, through an amendment to the naval appropriation bill, when nearly half the members of the House of Representatives were asleep in their seats, and when, if they had been wide awake, there was no time for that deliberation and discussion which so grave a measure would seem to demand of the people's representatives? The forum to which the people of Memphis have wisely referred this question, is the great tribunal of the masses of citizens in the South and West, who have a considerable, if not an equal interest with themselves, in its decision." The first response to this question came from the planters and farmers of Shelby county, who, at a meeting held at the court-house at Raleigh on the 4th "heartily concurred with the Memphis meeting and adopted resolutions asking for the favoring sentiment of the South and Southwest to maintain the navy yard for the reasons so admirably stated by Lieutenant Brown. But the board of mayor and aldermen on the 12th broke through this uniformity of opinion and purpose and voted by eight to three to accept the gift of the government. Aldermen Patrick, Curtis, Neill, Milton, Jenkins, Saffarans, Smithwick, and Douglass voted for it, and Messrs. Street, Hopkins, and Morgan against it. To say that the press was indignant, does not half describe the feeling which they expressed. They recited the course of the board in order to make its inconsistency more glaring and its enmity to the interests of the people less excusable. "Every day," said the *Appeal*, "our prospects were brightening and notes of encouragement were coming up from all quarters. In the face of all this, the board reconsider their action postponing the matter, and at their meeting on Tuesday last resolved to accept the donation, regardless of the opinions of the people, either of Memphis or of the Southwest. Efforts were made to modify the resolution of acceptance so as to submit the question to a vote of the people, or to hold the property and tender it back to the government. All such propositions, however, were promptly overruled by the Shylocks who were thirsting for their pound of flesh. Miserly cupidity ruled triumphant, and every consideration of honor,

consistency and propriety was thrown to the dogs. There was and could be no danger in delay, but on the contrary the friends of the yard had every thing to hope from it. This was all that was begged of the board. They were only asked to delay their action, and every indication of the popular will demanded that they should do so. There has not been a day, nor an hour, since the adoption and publication of Colonel McMahon's resolutions that they would not have carried by a two-third vote of the city. It is hence that we beg of our friends abroad not to judge the character of our town by the action of the board. It is and has been understood from the first to be a *Know Nothing* board, and we, in all good faith, award them the appropriateness of the title. Give them half a chance and they would imitate, yea, have imitated the example of the foolish boy in the fable, who ripped open his goose that laid him daily a golden egg. They have done worse. They have outraged and set at defiance the sovereign power that rules this country—public opinion. To this tribunal we hold them responsible." But this action of the board was not the last of the matter. The people determined to continue in the course they had resolved upon regardless of it. They moved upon the department to procure a postponement of the sale of the public property at the navy yard and in this were successful. This to an extent reopened the whole matter, at least it was so construed by the anxious and indignant people, who were further strengthened in their resolve by the reception of a letter from Lieutenant Maury "touching the folly of the action of Congress and our corporation council in relation to our navy yard," in which he "put forth in convincing light, not only the practicability, but indispensable necessity of a navy yard in this region of the Southwest for proper assistance to our southern gulf squadron in case of war." Thus encouraged, the press urged the friends of the navy yard to continue their labors with unabated zeal, and the *Appeal* sent one of its editors, B. F. Dill, to Washington, to be present when Congress met, and to watch and work for the cause of the people. On the 22d of December that paper published a letter from Mr. Dill, in which he gave the text of a resolution introduced in the House by Representative Stanton, requesting the president "to communicate to this House any propositions which may have been made to the government by the city authorities of Memphis relative to the navy yard property recently ceded to that city, together with his views and those of the navy department, as to the propriety of accepting the proposed re-cession, and re-establishing a naval depot and yard of construction at Memphis." In response to this the speaker of the House, on the 4th of January, laid the following message from the president, with a letter from the secretary of the navy, before that body, accompanied by a communication from the Memphis authorities, who, in deference to public opinion, had made a tender of the navy yard to the government again :

WASHINGTON, Jan. 1, 1855.

To the House of Representatives:

In response to the resolution of the House of Representatives of the 11th ultimo, requesting the president to communicate to this House any proposition made to the government by the city authorities of Memphis, relative to the navy yard property recently ceded to that city, together with his views and those of the navy department as to the propriety of accepting the recession and re-establishing the naval depot and yard of construction at Memphis, I transmit herewith the report of the secretary of the navy, and have only to add my concurrence in the views presented.

FRANKLIN PIERCE.

SECRETARY OF THE NAVY'S REPORT.

NAVY DEPARTMENT,
Dec. 26, 1854.

SIR: I have the honor to submit the following report in pursuance of the resolutions passed by the House of Representatives on the 11th inst. in these words:

"*Resolved*, That the president be requested to communicate to this House any proposition which may have been made to the government by the city authorities of Memphis, relative to the navy yard property recently ceded to that city, together with his views and those of the navy department as to the propriety of accepting the proposed recession and of re-establishing a naval depot and yard of construction at Memphis."

Accompanying this report is a correct copy (marked A) of the proceedings of the mayor and aldermen of Memphis, received on the 7th of November last. These proceedings present the only "propositions" which have been made through this department to the government by the city authorities of Memphis, relative to the navy yard recently ceded to that city.

You will perceive that the city authorities do not propose an unconditional retrocession, but accompany it with certain specified terms, to which Congress must agree. They disclaim the design of holding it, "provided that Congress shall in its wisdom, in justice to the South and West, desire to reinstate said yard, not as a rope-walk *alone*, but as a depot of construction and equipment of government vessels for the navy." They further say that they well "deem i their duty," in consideration that Congress agree to carry out their original plan of keeping and carrying on a navy yard of construction at Memphis to retrocede the property.

Congress has power to discontinue any of the navy yards, or to convert some of them into rope-walks, and to devote others to the manufacture of machinery or ordnance. But if the terms of the proposition under consideration be acceded to, Congress will have surrendered its discretion, and will be bound to keep up *this* as a yard for the "construction and equipment of government vessels for the navy," although future experience may demonstrate that it would be economy and sound policy to abandon the undertaking to construct and equip vessels, and instead thereof, to devote it exclusively to the manufacture of machinery for our steamships, and ordnance to supply them with armaments, or to convert it into a rope-walk for the manufacture of cordage, or to discontinue it entirely.

I cannot consider it wise policy in the government to own property involving large expenditures of money upon conditions to which, in good faith, it may be bound to adhere, although found by experience to be impolitic. My views, therefore, are adverse to the propriety of accepting the retrocession on the terms proposed by the city authorities. This government has now eight navy-yards, including that in progress of construction at San Francisco. They are located at Kittery, Me.; Charlestown, Mass.; Brooklyn, N. Y.; Philadelphia, Pa.; Washington, D. C.; Norfolk, Va., and Pensacola, Fla. In my opinion these are amply sufficient for the present wants of the United States, and no other yards of construction and equipment of vessels are needed at this time.

Inquiry may be made, perhaps, as to the local advantages or disadvantages presented at Memphis, in regard to necessary depth of water, and the practicability of securing the proper foundation to sustain building slips and launching ways and docks. There was a report made

by a board of officers in 1844, September 16, which is to be found in executive document, 2d session 28th Congress, vol. 1; another by a board similarly appointed in 1851, June 11, to be found in executive document, 1st session 32d Congress, vol. 2, part 2.

An elaborate report was also made by the Senate Naval Committee, May 6, 1852, which is to be found in Senate reports, 1st session 32d Congress, vol 2. These several reports present the results of personal inspection, and discuss elaborately the question of suitableness of this location for a navy yard. To them I take the liberty of referring you.

To institute additional inquiry by the actual examination of another board, in order to present facts and views suggested by their action, would necessarily delay a response to the resolution until the session is far advanced.

I have the honor to be very respectfully, your obedient servant, J. C. DOBBIN.

To the President.

Mr. Stanton, when this message and the accompanying document had been read, moved that they "be printed; and, if it be in order, I should like to have it referred to the Committee of the Whole on the state of the Union to be taken up at the same time as the Navy appropriation bill, if there is no objection to that course." But in this, as in a subsequent effort at the close of the session to have the Memphis Navy Yard provided for in the appropriation for the navy, he failed. The Senate acceded to this latter proposition, but, as the *Appeal* said, "the lateness of the hour at which the navy appropriation bill reached the House (five o'clock, Sunday morning), necessitated the reference of the bill, with amendments, to a committee of conference. This, or as an alternative, the loss of the naval appropriation bill, was inevitable. But, unfortunately, the presiding officer of the House, whether with the design to defeat the measure, or not, we will leave for an unprejudiced public to judge, appointed two out of the three comprising the committee from among those who were known to be opposed to the yard. And this under a protest on the part of its friends. It was solicited that the selection of the committee should be made, if not from the friends, at least not from those known to be determinedly and perseveringly hostile to it. This protest, however, was disregarded, and the result, necessarily anticipated, was that the measure was overslaughed. 'Tis then for our city council to say with these evidences before them of the strength of the measure in the late Congress—the trickery, if not fraud in its defeat—and the reasonable certainty that the next Congress will re-establish and continue the yard—whether they will maintain it in its present status, and continue the tender of retrocession, or adopt the impolitic, and as we conceive, suicidal policy—so far as the true interests of the city are involved—of subdividing and selling it out. If the city really desires the continuance of the Navy Yard, let her abandon all idea of sale or lease, and hold it in *statu quo* to the next Congress—and all will be well. Upon our city fathers devolve high and important duties in the premises—and may we not hope that their course will be marked by prudence, judgment, and deliberation—carefully eschewing hasty action." No, there was no room for hope. The board of mayor and aldermen refused to follow this advice. The people

then held a mass meeting on the 18th of April, at which "it was almost unanimously resolved," "1. That the sheriff of Shelby county be requested to open and hold, on Saturday, 28th inst., an election at the Gayoso House, the United States Hotel, and City Hotel, for the purpose of testing the sense of the qualified voters of the city upon the question: *Shall the Memphis Navy Yard be retendered to the next Session of Congress,.with the single condition that, if Congress shall at any time deem it inexpedient to carry it on as a naval establishment, the property shall revert to the city of Memphis?* and that said sheriff report the aggregate result of said vote in the city papers of the 29th inst. 2. That in the event the result of the vote thus taken shows that a majority of the qualified voters of the city are in favor of said conditional retender of the navy yard to the next session of Congress, and the Board of Mayor and Aldermen of the city shall still refuse to hold it up for the purpose of retendering it to Congress, then, in that event, that Archibald Wright, R. C. Brinkley, Robertson Topp, George W. Smith, D. M. Currin, F. E. Whitfield, James Penn, Leroy Pope, E. M. Apperson, S. P. Walker, C. B. Frazier, William T. Brown, H. L. Guion, B. F. McKiernan, John L. Morgan, J. P. Strange, J. H. McMahon, Wardlow Howard, J. M. Patrick, and A. H. Hopkins, be, and are hereby appointed a committee of twenty, either to file an injunction or injunctions restraining the sale of the yard; or to bid it in for the people of the city at the sale proposed by the board, sixty days hence, with the view of holding it over till a new Board of Mayor and Aldermen can be elected; or to take such other legal and unobjectional steps as may to them seem best calculated to prevent the sacrifice of the property and secure a retender of the Navy Yard to the next Congress of the United States." Obeying this demand of the people, Sheriff W. D. Gilmore advertised in the newspapers on the 24th of April that "at the request of a large and respectable meeting of the citizens of Memphis, held at the City Hall on the 18th inst., I will open and hold an election at the City Hotel, United States Hotel, and the Gayoso House, on the 28th inst., on the following question: 'Shall the Memphis Navy Yard be retendered to Congress at its next session with the single condition that, if Congress shall at any time deem it inexpedient to carry it on as a naval establishment, the property shall revert to the city of Memphis?' The vote will be taken *viva voce*. No person will be allowed to vote except a *legal and qualified* voter of the city of Memphis." The election was accordingly held, six hundred and fourteen citizens voting for retender and five hundred and twenty-four against; the majority in favor of retender being only ninety. But it was satisfactory to the press, and in their estimation left no doubt as to the popular sense on the subject. "We feel rejoiced," said the *Appeal*, "at the result on many accounts, but more particularly are we gratified for the reason that it sets Memphis right before the country and the world. In this she has shown herself superior to mercenary appeals to her cupidity, as well as faithful to the rights and inter-

ests of that great valley in whose bosom she reposes. She has resolved, in the laconic and emphatic language of Lieutenant Maury, to '*try next Congress*,' that is, if the popular will shall have expression through our Board of Mayor and Aldermen. There yet seems to be some doubt as to the course they will pursue in the new aspect of affairs, but we can hardly suppose they will disregard so emphatic and decided an expression of the public judgment." And that doubt continued until November, when the board offered the Navy Yard property for sale "in flagrant violation of the people's will." This brought the people to a white heat, and they sued out an injunction to restrain the Board, and thus the matter rested until March of 1856, on the 18th of which month, at a meeting of the Board of Mayor and Aldermen, Mr. Milton, from the committee on the proposition to retender the Navy Yard to the general government, asked leave to be discharged from the further consideration of the subject. Mr. Milton accompanied this request with the statement made by the Hon. J. C. Jones, that it would be as easy to build a new world as to induce Congress to re-establish this public work. The committee was discharged. The *Appeal*, making its final comment on this, said, "The reason assigned for this unceremonious disposition of a question in which a deep interest was felt by a large portion of our citizens, is in direct conflict with perhaps more reliable information, furnished by members of Congress, equally as well advised of the feeling of Congress as Governor Jones himself. But this long mooted question is now ended, and it remains for the people whom the Board profess to represent, to decide upon their conduct, as a just self-respect would seem to require. We are now done with the subject, regarding any further discussion of it as unnecessary and unprofitable, as long as the will of the people has ceased to be potent with 'the powers that be.'" The injunction had been discharged, and the war over the Navy Yard was over. It had engrossed the attention of the people for nearly two years, and was a useless expenditure of effort from the first. The navy department was opposed to the Memphis Navy Yard, and nearly all the officers who did duty at it were disaffected towards it. None of them cared to remain away from the sea; they did not like the inland waters and they communicated their doubts and objections to the service and thence to the department, which in time communicated its conclusions to senators and members, hence the readiness with which Senator Jones's proposition was accepted and acted upon. Under the direction of so thorough an executant as Lieutenant Brown it might have been made a success, but it was doomed from the beginning by the bad management which expended the first appropriations on palatial quarters for officers to the neglect of the machinery and ways necessary in naval construction. The building of a vessel was never attempted and the only one fitted at the yard was the steamship *Alleghany*, which proved a final failure at a cost of $500,000. Davis gives a very amusing account of the

trial trip of this the first and only ship of war ever fitted on the Mississippi.[1] She was an iron vessel, her hull having been built perhaps at Pittsburg. Here she received her machinery and was equipped for service. She was a propeller, mounted three pivot guns, the heaviest then known to the service, and was intended for a fast cruiser whose speed would astonish the world. "So fearful was her builder" says Davis, "that emissaries from foreign governments would steal the secret of her powers before she was able to play monarch among the navies of the world, that she was anchored out in the stream, where she gave evidence of her destructive powers by sinking some half-dozen flatboats, which, with their cargoes, the government had to pay for." When completed the trial trip was made, the *élite* of the town being present. Davis says that "so far as the feast was concerned the thing was complete, particularly in the liquor line, but when it came to flight it proved a great mistake." She was scarcely able to stem the four and half mile current of the Mississippi up to Paddy's Hen and Chickens, where she turned and went down stream to the head of President's Island, whence she returned very slowly to her moorings opposite the yard, "firing guns every five minutes. Some who had pretended to time her, reporting that her speed was four miles to the hour down stream, and four hours to the mile up stream;" and this was the popular belief, notwithstanding the resolutions by Congressman Stanton, adopted by the meeting improvised upon her deck, Mayor Hickman declaring "that the speed of the *Alleghany* was equal to the first-class steamers of the Mississippi." "On her way up stream" the facetious Davis says, "she was greatly annoyed by a set of boys, in skiffs and dug-outs, paddling around and around her;" and that "if she did look to persons on shore as if hardly moving, those on board evidently thought she was making a perfectly blue streak, and from the quantity of empty baskets they left, it is likely that everything flew around in their eyes." A few days after this first venture the *Alleghany*, under command of Captain Hunter went down the river and out to sea on her way to

[1] The only vessel ever begun and completed at Memphis was the *Mancha Gallosso*. She was built by Don Gallosso, the first commander of the first Spanish fort, and it is said on the authority of a Spaniard named Grandez, as Davis tells, that the grandee with his family made the voyage to Spain in her. Whether this is true or not it is a well ascertained fact that she was sold in New Orleans, and by her new owners was put in the coasting trade. The original map of Memphis, published in 1820, has a drawing of the *Mancha Gallosso* as a light fore and aft schooner. Don Gallosso was moved to build this schooner by the death of a daughter, the betrothed of a worthy suitor. The story runs that although accepted by the parents of his beloved the young lover had a bitter enemy in the priest at the fort, who, failing to prejudice the young lady against her betrothed finally refused to marry them. There being no other priest to perform the ceremony this refusal preyed upon her and she sickened and died, and was buried under an elm tree which stood on the slope of the bluff below Jackson street. The Don immediately after the sad event asked to be relieved from his command, and pending the consent of the military authorities he built and completed the schooner and named her after his ill-fated daughter.

New York. But she was compelled to put into Norfolk, where she was altered to a side-wheeler and soon after that was condemned by survey and broken up. The navy yard thus presented to the city became a source of municipal jobbery and finally by negligence and mismanagement passed out of her hands. The incidents in the closing months of the year that are worthy of record were the sale, by J. A. Williamson, of his interest in the *Whig* to Bankhead and Avery; in September the agitation of the establishment of a Chamber of Commerce; the publication, by J. J. Robinson, of the facts attending the stealing of a little slave girl from him by Henry B. Blackwell, at Salem, O.; the exhibition of compressed cotton seed, made hard enough to serve for building purposes; in October the loss of the steamer *Princess* and ten lives; the opening of the State Female College; in November the dedication of the First Presbyterian church, of which the *Appeal* said that "after the ceremonies of dedication were over the pews were put on sale, and thirty-eight were disposed of for something over eight thousand dollars, a sum sufficient to meet all the present liabilities of the church. There are yet left some twenty or thirty pews undisposed of, which will be either sold or rented, the proceeds of which will be applied to the discharge of current expenses. All things considered, the congregation of the First Church have every reason for encouragement. With a deservedly popular and energetic pastor, in the person of Rev. Mr. Steadman, a house of worship not surpassed by any in the State, and an exemption from debt, they stand in truly an enviable attitude, and we look forward, moreover, with much hope to the future progress of this congregation in that good work commenced on earth by Him, who 'before all temples loves the upright heart and pure.'" In December there was much of felicitation indulged over the completion of the Pigeon-roost plank road for a distance of twenty-six miles; the Botanico-Medico College was dedicated, and Dr. Page resigned his position as rector of Calvary Church. During this month the newspapers discussed the Soule difficulty in Spain; President Pierce's second message, in which there was not a word in reference to "the eternal slavery discussion"; the acquisition of Cuba, and the neutrality of the United States as to the Russo-Turkish war.

VII.

THE political canvass of 1855 was greatly complicated for the Democratic party by the rapid growth of Know-Nothingism, the leaders of which, working in secret and operating upon the religious and national prejudices of young men, especially, were able to make encroachments even upon the Democratic ranks, which the leaders of that party could not prevent; even so notable a Democrat as Solon Borland, going over to the enemy. The temperance peo-

ple, too, were clamorous for recognition. They were opposed to all forms of license, declared that nothing but absolute prohibition would meet their approval, and, in order to accomplish that end, they would not vote for any candidate for State offices, or for the Legislature, who would not pledge themselves to vote for a prohibitory law. Proceeding on this line the State Temperance Committee, on the 29th of March, addressed a circular letter to Governor Andrew Johnson, who had been renominated by the Democrats, and the Hon. Meredith P. Gentry, who had been renominated by the Whigs and Know-Nothings, containing the following questions: (1). Are you in favor of a law prohibiting the sale of intoxicating liquors as a beverage? (2). Will you, if elected, recommend in your message to the Legislature, the passage of such a law at an early period in the session? The answers of the gubernatorial candidates to these questions were not satisfactory. But, notwithstanding, in view of all the facts before them, and the circumstances surrounding them, they deemed it inexpedient to call a convention for the nomination of a separate candidate for governor, but recommended the friends of prohibition to nominate and vote for candidates for the Legislature who would pledge themselves, if elected, to vote for the enactment of a law prohibiting the sale of intoxicating drinks as a beverage. But temperance nowhere affected the contest. The Know-Nothings had the ear of the public, and, by promising something in the form of a temperance measure, absorbed that element as it did the Whigs in Shelby county, and so completely that *The Whig*, in defence of its position as the organ of the Scott-Whigs, was compelled to declare that Mr. Gentry was "not the candidate of the Whig party in Tennessee;" that he was the American candidate. The *Eagle and Enquirer*, the organ of the Know-Nothings, was equally outspoken on its side. It opposed Whig conventions for the nomination of candidates for Congress, for State senator, for floater, or for the Legislature, counseling the Whigs to wait till all the candidates are before the people, and then let each man determine for himself, whom he will support, and added: "As for ourselves, we shall look with interest to the candidate our honorable friend 'Sam' shall present for the suffrages of the people. 'Sam' generally proposes the best men, and, astonishing to relate of these degenerate times, he generally elects them! This fact is certainly a glorious harbinger of a better era now about to begin!" And "Sam" made the nominations, and "Sam" elected them all except Gentry. An issue thus made could not fail to produce an angry and a bitter canvass. Personal denunciation was common in every quarter, and Tennessee only escaped the brutal excesses of riot that occurred in Louisville, in August,[1] because in the whole State there were not ten thousand foreigners. Neighborhood was divided against neighborhood, and, in some

[1] The only incident reported, and that was of a merely mischievous nature, was the cutting down, by some Democrats, of a liberty pole erected by the Know-Nothings, in Court Square. This was done at night. Nothing like violence followed it.

cases, son against father. Mr. Gentry, though a man "of a high order of abilities, sterling integrity, and a bold and eloquent debater," was not the equal of Andrew Johnson, on the stump. And though he used every weapon of offence that came within his reach, including the little-understood "white basis" question,[1] he failed. Andrew Johnson was elected by a majority of 2,157, a gain of 625, the aggregate vote cast in the State being 232,841. But the Know-Nothings of Shelby county elected their candidate for Congress, Thomas Rivers; their candidate for State senator, C. S. Palmer, and their candidates for representatives in the State Legislature, George L. Holmes and George M. Bartlett, defeating the Democratic candidates; David M. Currin,[2] for Con-

[1] The *Appeal*, of the 26th of May, 1855, explaining this question, said: "The enemies of Governor Johnson, in this end of the State, have made frequent allusions to the white basis question, with a view of getting up a prejudice against him, but none of them have ever taken the trouble or the pains to explain the question, but on the contrary, have done all in their power to mislead the minds of the people on the subject. It has generally been understood as a proposal to amend the constitution of the United States, and deprive the South of her three-fifth slave representation in Congress. Those who heard Governor Johnson's exposition of his proposition, day before yesterday, however, will see that it is no great raw-head and bloody-bones, after all. He never has made any proposal to amend the constitution in this respect, or to deprive the South of her slave representation in Congress, but his proposition was merely in districting the State, to adopt the plan of Alabama, Mississippi and Louisiana. In all these States, as we are informed, in laying off their congressional districts, it is done agreeably to the number of qualified voters; or, in other words, the slaves are regarded as being equally diffused throughout the entire State. For instance, suppose the number of slaves in Tennessee is three hundred thousand, and that the white population of the three divisions was just equal, then each division would be entitled to count one hundred thousand slaves, although the greater bulk of hem might be owned in one or two divisions. This, it is evident, would have a tendency to wed the non-slaveholding division to the slave interest of the State, and this is one of the reasons advanced by Governor Johnson in favor of the proposition. On the other hand, the non-slaveholding division, enjoying none of the advantages of the slave population, would naturally become alienated to some extent from the interests of the other or slaveholding divisions. Explained and understood thus, it is evidently right in principle as well as sound in policy. The State is a single body, and every division or section should enjoy all the privileges and advantages alike. This would have a tendency to harmonise their interests, and reconcile one to the other. Such is a plain statement of Governor Johnson's white basis principle, as we understand it, against which so much righteous indignation has been expended by his enemies in this end of the State. Verily, they are hard run for weapons with which to fight their battles."

[2] The *Appeal* said of Mr. Currin: "Our nominee for Congress has resided for many years in this section of the State, during which time he has acquired a reputation for legal ability and for talents as a debater, not surpassed by that of any man of his age in the State. He now enjoys, in conjunction with his worthy and able senior partner, Archibald Wright, esq., a practice which is at least as lucrative as that of any law firm in the Southwest. Mr. Currin has once represented the counties of Shelby, Fayette and Tipton, in the Legislature of Tennessee, and has twice served on the Democratic electoral ticket for the tenth district. During both of these campaigns—in 1848 and 1852—Mr. Currin was generally regarded as a party leader who could successfully cope with any man his opponents might bring into the field. His argumentative faculties are remarkable for their point and force; his powers of repartee, illustration, wit, and sarcasm are fully equal to any occasion, and his boldness, directness and chivalrous bearing are exactly suited to just such a campaign as we are now in the midst of."

gress; J. B. Lamb, for State senator; John D. Goodall, for floater, and Hiram Tillman and John R. McClanahan for representatives. The Know-Nothings were strong enough in the Legislature to elect their candidates for secretary of State (Dr. F. N. W. Benton), and comptroller (James C. Luttrell); but the Democrats succeeded in electing G. C. Torbitt, treasurer. The Democrats made all the *éclat* possible out of the election of Johnson, which was more effective than at first appeared, as it afterwards proved to be a death blow to Know-Nothingism, not only in Tennessee, but in the Mississippi valley. His arguments were irresistible, and were all based upon the history of the settlement of the country and the Federal constitution. Governor Johnson, in his inaugural, touched upon all the measures of State policy, and called attention to the movement then in progress in Kansas, for the organisation of that territory, preparatory to its admission to the Union. He perceived the mischief that was brewing, though it was then as a cloud no bigger than a man's hand. The people of the South were taking alarm, and were talking of Mason and Dixon's line,[1] as something better defined than a merely imaginary one, and that the people south of it should be prepared for an emergency of separation that would make it a frontier. The Democrats of Memphis, still smarting under defeat,—a defeat that was none the less sore because they were able, in December, to elect Judge W. R. Harris, by a majority of 417, to the Supreme Court, in place of Judge Totten, resigned,—were again in arms, with all the old arguments that did such signal service during the compromise campaign, and they availed themselves of a declaration by the Massachusetts Know-Nothings, of opposition to slavery to re-arouse the anxieties of the slaveholders who had joined that party in the hope that it would be able to abolish the slavery question. While the heated canvass was in progress the yellow fever, which spread to all the river towns in Mississippi and Louisiania, made its advent, and notwithstanding the effective labor of the board of health, the physicians and the Howard Association, organised for the first time, also made rapid progress. During the month of March the mortality had been heavy owing, Dr. W. J. Tuck, secretary of the board of health, said, "to sudden changes in the weather." But beside this there was one case of cholera reported from a flat-boat,

[1] Mason and Dixon's line originated by the arrangement of a dispute between William Penn and Lord Baltimore, begun as early as 1682, with reference to the boundaries of their respective grants of land, now forming the States of Pennsylvania, Delaware and Maryland, Lord Baltimore claiming to, and including the 40th degree of north latitude. The case was brought into the English Court of Chancery, and in 1750 was decided against Lord Baltimore. But the commissioners appointed to mark the boundaries, failed to agree; and, after further litigation and delay, the matter was settled by mutual agreement between the surviving heirs of the original litigants, and in 1771, Mr. Charles Mason, of the Royal Observatory, was sent to Pennsylvania to measure the degree of latitude. This duty, in connection with Mr. Jeremiah Dixon, he accomplished—establishing the famous "Mason and Dixon's Line" between the present States of Pennsylvania, on the North, and Maryland on the South—and making his report to the Royal Society of London in the year 1767.

which aroused something akin to anxiety. A feeling of uneasiness grew out of these reports and prevailed the whole summer, yet there was no panic and but little perceptible reduction in the population when, on the 14th of August, two cases of yellow fever were reported on board the steamer *Ingomar*, lying at the mouth of Wolf River. From this the disease spread through the city, and was most fatal on Shelby street, then as now one of the most exceptional for the character of those who resided upon it. But it did not strike people with alarm either at home or abroad. Grenada, Miss., which quarantined against New Orleans, Vicksburg, Jackson, Yazoo City, Canton, Lexington, Greenwood and Leflore, excepted Memphis. But the disease was fatal, there being a total of 1,250 cases and 220 deaths reported out of a population of perhaps 12,000. Although this attack of fever made a profound impression upon the people because of their long exemption from it, it was not of so serious a character as to call for or compel anything like aid from abroad for those exposed to it. Memphis was still a comparatively small place and its inhabitants were known each to the other, and were in the daily habit of those neighborly offices which distinguished the conduct of intimates and acquaintances. They therefore shared the burdens of the unexpected calamity. Besides, there was not then the dread of the fever which afterward prevailed. Up to that time and for so many years as the place had had an existence, passengers from New Orleans were allowed to land without question at all seasons of the year, and persons who had contracted the fever in that city and in whom it only developed on their way up the river were allowed to be landed and taken in vehicles through the streets to the hospital or to private houses for treatment. The notion prevailed throughout the country that there was a yellow fever zone beyond the limits of which the dreaded disease could not flourish, and this had a great deal to do in the encouragement of the hardihood that cost every life that was lost. The atmosphere and unclean conditions by which the disease is generally held to be propagated did not exist, or the poison was not imported when they did exist, until 1855, consequently the yellow fever was braved with indifference, the almost immunity strengthening the assumption of the zone theory, and blinding the people to the possibilities of the plague that had swept New Orleans just two years before (1853) like a very besom of destruction, costing her the lives of 7,970 persons, and in the year following (1854) 2,423 lives, and during this year (1855) 2,670 lives. Paying thus dear for their experience the people were outspoken in their determination not again to be subject to such a visitation, and the board of health at a meeting on the 27th of October resolved to take measures to prevent a return of the now dreaded disease. But this resolving was all that was ever accomplished to that end, the people and the city authorities were indifferent to the filthy condition of the streets, the rapid increase of privy vaults and the gradual fouling of the bayous. Dr. Merrill, who with others, had in vain urged the cleaning of the

city, resigned from the board of health, which united with the public in a vote of thanks to the Howard Association. T. J. Fenton was presented, in November, with a gold-headed cane by a large number of the citizens as a token of gratitude for his self-sacrificing zeal and devotion "during the late epidemic," and a week after Mrs. Barnard, the popular actress, was presented with a silver cup for her untiring devotion to the late editor of the *Eagle and Enquirer*, J. Watt Smith, and family during the epidemic. Among the conspicuous dead was George Newell, clerk on the steamer *Hill*, Dr. Zeno Harris, Dr. Gabbert, of the Medical College, and the Rev. Dr. Porter, pastor of the First Cumberland Presbyterian Church. The press during this trying ordeal was true to its trust. The newspapers[1] made their appearance regularly and did what they could to allay apprehension and encourage the doctors and nurses in their work of mercy. Late in August the weekly *Appeal* made its reappearance and early in September (on the 3d) the morning *Bulletin*, edited by Colonel J. H. McMahon "was launched on the tide of popular favor," and having a very well equipped office was able to extend ample facilities to the *Appeal* and the *Eagle and Enquirer*, both being burned out on the 15th of December. The courtesy was accepted, but in two weeks after both papers were again well housed and well supplied with type and presses. This was significant of the spirit and spunk of the people, who were not in the least shorn of any of their energy as was more largely evidenced in the fact that work was being pushed uninterruptedly on the railroads. The Memphis and Charleston was running to Middleton, seventy miles from the city, and Colonel Tate, in July, made announcement that he had succeeded in purchasing 7,500 tons of iron, sufficient to furnish the whole route. From the Ohio road equally encouraging news was had. Late in April its directors had effected a union of their company with the Clarksville and Louisville railroad, the city of Louisville had subscribed $1,500,000 to the united road, at the instance of Colonel J. T. Trezavant, and Colonel Robertson Topp, in August, returned from New York, after purchasing iron sufficient to complete the road from Memphis to Brownsville. There was also some encouragement for the Memphis and Little Rock Railroad. Pulaski county, Ark., in July, subscribed $100,000 to its capital stock and the Memphis city council ordered the $350,000 in bonds issued which the people had voted, $50,000 of them to be used in grading, the remainder to be applied to the purchase of iron and equipments. The Tennessee railroad, on which much of the grading had been done, was ready for fifty miles of iron which Colonel F. M. White, its president, had purchased in New York late in the year. A

[1] The newspapers published here at the time were the *Appeal*, McClannahan & Hutton proprietors, Leon Trousdale editor; *Eagle and Enquirer*, Pryor, Stockdale & Gray publishers, J. P. Pryor editor; *Whig*, A. Harmon & Co., publishers, Smith P. Bankhead and A. H. Avery, editors; *Evening News*, Yancy & Hite, publishers; *Bulletin*, McMahon, Bulkley & Hitchler, publishers, J. H. McMahon, editor; *Christian Advocate*, Rev. Jas. E. Cobb, editor; *Voice of the People* (German), A. Kattman, editor. They included five dailies and two weeklies.

great deal of preliminary work had also been done in Arkansas as well as Texas for the Pacific railroad, which was again endorsed by the Commercial Convention which met at New Orleans on the 8th of January, and which appointed a committee to present its endorsement to Congress, of which Albert Pike was the member from Arkansas, and D. M. Leatherman, of Memphis, the member from Tennessee. But besides railroads, the people were constructing fine blocks of buildings. The banking-house of I. B. Kirtland was finished in August, the Walker Block, on Main street, and the Mosby Hunt Block, on Front street, late in the year. Real estate, too, was looking up. Some sales were made as early as March at very encouraging figures, the newspapers reporting a house and lot on Court street, which cost the late owner about $5,000 a short time since, brought $5,400, and one on Madison street sold for $80 per foot. The unimproved property on the corner of Madison and Second street, commanded a very handsome advance on the cost of it in the hands of the gentleman selling. The lots are seventy feet three inches deep. They brought on an average about $125.75 per foot, fronting on Second street. Mr. Overton, the former owner, purchased two of them. As a consequence of this activity in building, there was an increase in the number of saw and planing-mills. George Flaherty's furniture factory was put in operation during the year. Mr. Gillen was manufacturing pianos with oak and white walnut cases, one of which was used by Jenny Lind at her concerts in Nashville; the McCombs labor saving cotton-press was a success; Coleman & Montgomery had completed their direct line of telegraph from Memphis to New Orleans, meeting with all possible encouragement on the way from the planters; Mr. Holmes had introduced a bill in the Legislature to charter the Memphis Water Works Company; the city schools, which were twenty-two in number, opened on the first Monday in September with eight hundred and ninety-one pupils, Mr. S. H. Tobey, superintendent, and in accordance with a vote of the people in February, under the act of 1854, the county free school system was organised. Under the provisions of this act, the school fund had been nearly doubled, being raised from forty cents for each child to nearly seventy cents. With this Dr. A. P. Merrill, president of the city school board, was satisfied schools might be kept open for ten months in the year. Among the noteworthy incidents up to November was the withdrawal by the Board of Mayor and Aldermen of their retender of the Navy Yard to the government and the sale of so much of it as lies east of the retaining wall, the commandant's house, with lot, being bid off to John Able for $18,000, $12,000 less than cost; the establishment of an orphan asylum by J. E. Merriman and H. G. Dent; the organisation of the German Lutheran Church congregation, religious services being performed and a sermon preached by the Rev. W. Fick, of New Orleans, who was succeeded in the fall by Paul Beyer, a student of theology from St. Louis; the organisation of the St. Andrew's Society; the resignation of the

Rev. Dr. Page, rector of Calvary Church; the delivery of a Know-Nothing speech by the Rev. Mr. Hendrickson, pastor of the First Baptist Church; the tearing down of the first negro mart ever erected in Memphis, belonging to Bolton & Dickens, and located on Front street; and the open advocacy of Spiritualism for the first time in Memphis by a woman medium and lecturer, which aroused the press to very earnest denunciation of it as the "cheat, the snare, and the delusion" of the century. The services held by this woman were of a semi-religious nature, there being both invocation and prayer as well as an address delivered through the medium by one of "her spirit guides," but by most of the people it was regarded as a mountebank performance, not as entertaining or as legitimate as that of the prodigy known as "The Infant Drummer," who also appeared at Odd Fellows Hall. At the other house of entertainment, the Memphis Theatre, where there had been some trouble with Mr. Charles, the manager, who was succeeded in that position by the comedian, Barnard, Kate Fisher was succeeded by Dora Shaw, who appeared on the stage at the same time that Dr. Merrill reported an abatement of the yellow fever. Mr. Chanfrau, the original "Mose," with Mlle. Albertine, followed in the last of October, and Couldock began an engagement on the 20th of November. He was followed by Susan and Kate Denin, whose engagement was cut short by the death of their mother, Mrs. Winans, with whose remains they left for New York. Mr. Lionel Bernard, the manager, was tendered a benefit by the citizens in December, when also Parodi, the then greatest of lyric artists, gave two concerts. In December "later" news was received from Nicaragua, where the filibuster, Walker, had been operating for some time, and very successfully. It stated him to be in possession of the city of Grenada, and of the transit route most available for Californians in their travels to and from that State. General Walker had sailed with his expedition from New Orleans on the 23d of April, and was to have been preceded by Colonel Kinney's expedition of "colonists" from Baltimore. There was a great deal of rumor at this time of another movement on Cuba coupled with the march for Texas of an expedition from St. Louis under the command of Captain Quilmeete, who served with some distinction in the ill-fated Lopez expedition. All this had some interest for the people of Memphis, who were indignant over the organisation of sixteen companies of free negroes by Captain-General de Chavarria, of Cuba, in readiness for filibusters, of whose possible coming the Spanish government had been fully advertised by a speech of Mr. Stephens, of Georgia, in answer to Mr. Boyce, of South Carolina, who was opposed to the acquisition of any more territory. Mr. Stephens was "in favor of the purchase of Cuba; he wanted it, and believed it would be for the interest of the whole country, and to the North more especially, to have it. The people of Cuba are oppressed. He did not see why our citizens should not go there to assist Cuba in obtaining their independence. He was willing to repeal the

neutrality laws, and let every American go to the rescue. He would acquire Cuba on the score of humanity, public interest, and statesmanship. Where is the objection? He saw none except in blind and dogmatic nonsense." But the administration did not agree with Mr. Stephens. President Pierce issued his proclamation, warning the people against encouraging or aiding any of these armed expeditions to countries with which the United States was at peace. But this to the contrary, notwithstanding, Kinney and his followers found their way to Nicaragua, and recruits from Tennessee, some of them from Memphis, went to the assistance of "the gray-eyed man of destiny," as Walker had been dubbed by his soldiers. He was, as some of the newspapers of the time said of him, "a natural-born filibuster." Born in Nashville, where his father was an insurance agent, he was educated in medicine, and took his degree at the Nashville Medical College, and perhaps, also, from the New Orleans School of Medicine. In 1851 he emigrated to California, and at San Francisco, in 1853, organised his first and ill-fated expedition to Sonora, returning from which, in May, of 1854, he set on foot the expedition to Nicaragua, in which he was encouraged by a grant of land by Francesco Castellon, dictator of a new government that had been set up by the Democratic party of Nicaragua, in opposition to the legitimate government. One of Walker's companions, writing at the time, said, that "no secrecy was used in organising the band of 'colonists.' Walker showed the grant to the district attorney of the United States for the northern district of California, Hon. S. Inge, who declared that no law would be violated under it. Walker then sailed from San Francisco with a band of men in the brig *Vesta*, for Realejo. His intention was to assist the Democratic forces in Nicaragua. He arrived at Realejo on June 11, 1855, with sixty-two followers. On his arrival he found that affairs in Nicaragua had taken a bad turn for the Democratic party. The provisional government was confined to the occidental division of the State, the legitimists held the oriental and meridional departments. Walker was pleased at the desperate condition of the Castellon party, as it would naturally be more inclined to receive him with open arms. He was not mistaken, and at Castellon's request he formed his followers into the American phalanx. Walker's first military movement was to advance on Rivas, the stronghold of the legitimists. After a desperate struggle he was forced to retreat with a loss of one man. In addition to his Americans, Walker had natives in his service. The next action took place at Virgin Bay, in which he was triumphant. On October 15 Walker took possession of the city of Grenada, and by a treaty with Corral, the opposing leader, was made generalissimo. Corral was tried for treason by a court martial, over which Walker presided. On November 8, Corral was shot. As success crowned Walker's struggles, so did interest in his cause increase in the United States. Shipping offices were opened in the leading cities, and recruits were plentiful." It was the news of this success that, in December, re-

aroused the latent filibuster spirit of those who, in Memphis, still believed in manifest destiny and the acquisition of more territory, including that of Cuba. This whole question was once more opened up, but there was a tacit sort of agreement among the Democrats, especially, who were warm in their admiration of the Pierce administration, that the outward seeming of conformity to treaty stipulation should be observed, and expeditions be organised and recruited secretly. This was more objectionable than open bucaneering, but it was the best the bucaneers could do under the slightly altered conditions of public opinion. Altogether wrong, because unjustified by any necessity of the fickle and unstable people of Nicaragua, and because such movements were in open violation of the laws of the United States, the particulars of these proceedings, of Walker and Kinney, read like a chapter out of the history of England in the sixteenth and seventeenth centuries, and their existence and piracies were discreditable to so great a power as the United States, the citizens of which read them now with feelings of shame. At the close of 1855, Memphis was in a very prosperous condition, and was making large additions to her population. A. H. Douglas was mayor. He had been elected in July, by a majority of 138 over James Wickersham, who received 607 votes to his 745. Mayor Douglas's administration was notable for the sequent issue of bonds, of which he signed from number 1137 to 1322, inclusive; from 1137 to 1218, to the Memphis and Little Rock Railroad Company; from 1219 to 1221, to P. G. Meath, for guttering; from 1222 to 1318, to the Mississippi and Tennessee Railroad Company; from 1319 to 1321, to P. G. Meath, for guttering; from 1,322 to 1,324 to the Mississippi and Tennessee Railroad Company, and from 1,325 to 1,327 to P. G. Meath, for what was not stated on the registry, but no doubt it was for work on the streets. From Rainey's directory for this year we learn that the city was divided into six wards, the board of mayor and aldermen being composed of two aldermen from each ward; that the city schools were twenty-two in number; S. H. Tobey being superintendent, at a salary of $1,200 a year, the men teachers receiving $500, and the women $400 per annum. The Medical College at this time included among its faculty Solon Borland, ex-United States Senator, A. P. Merrill, Lewis Shanks and Emmet Woodward, the latter being demonstrator of anatomy, while the board of trustees included H. G. Smith, J. G. Lonsdale, W. B. Waldran, John Pitman, R. Topp, E. H. Porter, S. P. Walker and William A. Bickford. Among the Botanico-medical College trustees there were N. S. Bruce, Samuel Tate and T. C. Gayle. Wm. H. Carroll was postmaster, and Charles M. Carroll, assistant; B. F. McKeirnan was judge of the Criminal Court, Jno. F. Sale, attorney-general, Wm. D. Gilmore, sheriff, John P. Trezevant, county clerk; John L. T. Sneed, attorney-general for the State, and Robt. I. Chester, marshal for West Tennessee. Sam. Tate was president and W. J. Ross superintendent of the Memphis and Charleston C. Railroad; F. M. White president of the Mississippi and Tennessee Railroad;

F. Vance, secretary, Minor Meriwether, chief engineer. Of the officers of the Memphis and Ohio Railroad Amos Woodruff is still living, and of the Little Rock Railway, Officers Joseph Lenow, then treasurer, and James Elder, director, are alone living. Thomas Holeman was president of the Chulahoma Turnpike Company. The general agent of the stage and railroad office was P. M. Patterson. The New Orleans Packet Company comprised the steamers *John Simonds*, C. B. Church, master; *George Collier*, James Goslee, master; *Ingomar*, J. O. Greenlaw, master; and *H. R. W. Hill*, T. W. Newell, master; the *Memphis*, Captain S. C. Mann, and *Charleston*, Captain James Bugher, ran to Cincinnati: the *Tishomingo*, Captain A. J. Briscoe, were in the Louisville trade, and the *St. Francis*, Captain Bowman, in that of St. Francis River. In the White River trade were the *National*, Captain J. C. McManus; *Luella*, Captain Ed. Booker, master, and *Mary L. Dougherty*, Captain M. M. Bateman, and *Justice*, Captain William Underwood. Thomas H. Allen was president of the Memphis and Nashville Telegraph Company, Jas. Coleman, secretary, and F. W. Smith, treasurer. H. M. Montgomery was a builder of telegraph lines and a telegrapher. The banks included a branch of the Planters' Bank, of which James Elder was president, a branch of the Union Bank, the Bank of West Tennessee, the Commercial Bank of Tennessee, the Southern Bank of Tennessee, the River Bank of Tennessee, and the Bank of Memphis and Kirtland's and several other private banks. Wm. Ruffin was president of the Gas Company, which had been organised in 1851. Sam. Moseby was president and J. W. Wilkinson was secretary, and T. H. Allen and J. J. Rawlings were directors of the Memphis Insurance Company. W. A. Goodwyn was president and A. Woodruff and D. H. Townsend were among the trustees of the Building and Loan Association. There were two lodges of Masons, the South Memphis and the Angerona, and of the officers the only one now living is Marcus Wright. There were two lodges of Odd Fellows, among the officers of which were Joseph Bruce, John Johnson and L. S. Burr. The Gayoso Division Sons of Temperance had D. C. Trader and J. W. Knott among the officers. David C. Page had just resigned the rectorate of Calvary Church, which Bishop Otey held for a time; James W. Knott was pastor of the First Methodist, J. O. Stedman of the First Presbyterian, L. Grace, of St. Peters, J. T. C. Collier, of Asbury Chapel, S. H. Porter, of the First Cumberland, B. F. Hall, of the Christian Church, John H. Gray, of the Second Presbyterian Church, W. A. Bryan, of the South Memphis Cumberland, and C. R. Hendrickson, of the First Baptist. Among the officers of the churches were F. W. Smith, of Calvary, and John Pitman, of the Methodist. There were two military companies — the City Guards and Washington Riflemen (German). Of the first Charles Carroll was captain, and M. T. Cooper, fourth sergeant; and of the second Mr. Specht was captain. Mr. Hessing was the leader of the brass band, among the members of which were G. Handwerker

and F. Beamish. The slave dealers were N. B. Forrest, Bolton & Dickens, Delap & Witherspoon, Newell & Cunningham, and Byrd Hill. Among the persons then in business whose names are familiar to the present generation were Wm. M. Farrington & Howell, commission merchants; Frayser & Chase, physicians; W. B. Galbreath & Meacham, commission merchants; T. C. Gale, botanic drugs; W. A. Goodwyn, cotton broker; Wright & Currin, lawyers; W. A. Bickford, builder; Bohlen & Wilson, ice dealers; Charles Borner, bootmaker; J. T. Bourne, book-keeper; William and Z. P. Bowles, cotton brokers; Joseph and N. S. Bruce, coach makers; L. S. Burr, saddler; R. A. Burton, clerk; Y. A. Carr, daguerrean artist; Thos. Cubbins, bricklayer; D. F. Goodyear, clerk; George C. Harbin, druggist; G. A. Hanson, engineer; A. Harman, publisher of the *Whig*; James Hart, portrait painter; J. F. Hicks, captain of the steamer *Bluff City;* H. T. Hulbert, navy agent; Wm. M. Hutton, publisher of the *Appeal;* Marcus Jones & Sackett, paper hangers; G. H. Judah, clerk; Lehman & Co., dry goods; Jno. Lilly, book-keeper; Owen Lilly, carriage maker; John Linkhauer, shoemaker; R. F. Looney, attorney; Wm. O. Lofland, clerk; M. Magevney, C. C. Maydwell, marble works: Pat Meath, contractor; Marsh Miller, pilot, steamer *John Simonds;* F. B. Montana, pilot, steamer *Justice;* Jesse W. Page, broker; J. Prescott, candle dealer: W. P. Proudfit, commission merchant; Vernon Rhodes, realty dealer; L. Schwab, restaurant; Joseph Tagg, painter; Jno. S. Toof, publisher of the *Whig;* S. C. Toof, foreman of the *Apppeal* composing room; A. Vaccaro & Co., grocers; K. J. B. L. Winn, saddler; Ralph Wormely, commission merchant; Marcus J. Wright, attorney; A. & H. Woodruff, carriage makers; Oscar & M. App, shoemakers; E. M. Apperson & Co., and Thos. H. Allen, merchants; Benj. Babb, cotton clerk; Joseph Barbiere, clerk; Edward Barinds, grocer; John Beamish, clerk; E. A. Benson, music dealer; Mosby & Hunt, cotton buyers; Wardlow Howard, cotton buyer; B. A. Massey, and E. M. Yerger, were among the leading lawyers, as were J. C. Farrington, J. B. Lamb, Small & Foute, Dixon & Ray, D. M. DuBose; A. H. Douglass & A. D. Witherspoon were commission merchants, and G. B. Locke and M. C. Cayce were the auctioneers; F. Titus and R. A. Moon were commission and cotton merchants; H. M. Grosvenor was a piano and furniture dealer; Field & Beardsley were the leading clothing dealers; Wallace & Dene were real estate brokers and auctioneers; Dr. A. K. Taylor confined himself to surgery; Ch. Ph. Winkler was a teacher of music; R. A. Parker and C. H. Davis were grocery and commission merchants; D. & R. N. Looney practiced law; C. S. Fenner practiced as surgeon and oculist; and J. L. Webb & T. J. Rawlings were commission merchants.

VIII.

EIGHTEEN hundred and fifty-six was a memorable year in the political annals of the country. The Democratic party was successful everywhere; the Know-Nothing party was swept out of existence, notwithstanding it polled a heavy presidential vote, and the Republican party was organised and put its first ticket in the field,—there being nothing left of the Whigs. The principal reason for this sweeping change was the revolution in progress in Kansas, "bleeding Kansas," as it was called. The territory of Kansas had become a field of open and bloody controversy between the sections. Free State men and pro-slavery men poured into it, immediately after its organisation in 1854, carrying with them their prejudices to reinforce a determination to make it a free or a slave State. But the pro-slavery men outnumbered the anti-slavery men by November, 1854, when the first delegate to Congress was elected, and late in March, 1855, when the territorial Legislature was elected. How this was done may be guessed from the fact that the territorial census, taken the previous month, showed only 2,905 legal votes in the territory, whereas there were 5,427 votes cast for the pro-slavery candidates for the Legislature, and 791 for their opponents. The "Kansas Aid Society," so much encouraged by all the Northern States, had not been able to accomplish much for the free State cause, whereas the pro-slavery advocates, from the adjoining State of Missouri, were unusually active and aggressive in aiding the pro-slavery immigrants to accomplish their purpose. The first Legislature which met at Pawnee, on the 2d of July, 1855, made Kansas a slave territory, as far as it was able, but the free State men refused to be bound by its edicts. They took steps, following the example of California, at once to form it into a State, and with that view a convention met at Topeka, on the 19th of September, 1855, and ordered an election for delegates to a constitutional convention. This was done, the delegates were elected, and the convention met at Topeka, on the 23d of October, and formed what is known as the Topeka Constitution, prohibiting slavery. This, it was claimed, was adopted by the people at an election for that purpose, held on the 15th of January, 1856, at which also C. Robinson was elected the first State governor, and a Legislature and representative to Congress were elected. This, the second Legislature, met at Topeka, on the 3d of July, following, but was dispersed by United States troops under command of Colonel Sumner, under orders from the war department, in accordance with a proclamation of President Pierce, issued on the 16th of February, in which he declared that any such attempt would be treated as insurrectionary. These proceedings, together with the skirmishes between the armed men of the contesting thousands, had aroused the people everywhere throughout the Union, and had the effect of fusing all the anti-slavery ele-

ments at the North, and solidifying the people of the South, the most conservative of whom now saw that slavery was the issue, and not the number, nationality or religious faith of the emigrants who were pouring into the country in great numbers, from every part of the world, especially from Ireland. Even the most intense Whigs were compelled to admit that the North, with the balance of power in Congress, and opposed to slavery, had resolved to restrict it as an evil antagonistic to their purposes of a free government. A desultory warfare ensued upon these elections in Kansas, and Lawrence and Ossawatamie were burned, both parties being encouraged to this extremity by their respective partisans at the South and the North, the more pronounced of the leaders of each section dictatorially insisting that there was no longer room for neutrals, and that every voter must declare himself either for or against slavery. The people of the South thus warned, and realising how vain it was to rely upon any other than the Democratic party, so pronounced in its determination to protect and defend slavery and open a way for its extension, flocked to its standard. In Tennessee that party, in November, made a gain of more than 4,500 votes over its majority at the gubernatorial election the year before, James Buchanan receiving 73,638 votes for president, and Fillmore 66,178, there being not even one vote for Fremont, the Republican candidate. The people of Memphis, always intensely partisan wherever their sympathies were enlisted, were very zealous, either as Democrats or Know-Nothings. The election in January, of N. P. Banks, of Massachusetts, to be speaker of the House of Representatives, after a contest of more than two months and on the one hundred and thirty-third ballot by a small plurality of Know-Nothings and Republicans was a great aggravation to the extremists at the South who, however, made good use of it as proof that the Know-Nothings of the North were merely abolitionists in disguise. In this spirit preparations were begun for the presidential campaign, all parties putting forward their best men and enlisting the best efforts of the newspapers that had declared for them. Jefferson Davis, then secretary of war, was elected to the United States Senate by the Legislature of Mississippi, much to the joy of the Memphis Democrats, with whom he was always a great favorite, because he was a man of commanding ability, of the highest integrity, and outspoken to a fault. John R. McClanahan and G. N. Barnett were sent as delegates from Memphis, and D. M. Currin, and John M. Carmack, from Shelby county, to the State Democratic Convention, which met at Nashville and appointed Isham G. Harris, John M. Carmack, and General W. H. Polk, electors for the State at large. Other equally able Democrats were appointed by the Congressional Conventions, David M. Currin being the choice of the Democrats of the tenth district in May. In the mean time the war in Kansas, as the newspapers regarded and treated of it, was an almost every day distraction for the people and for Congress, which, notwithstanding

the queer political mixture of the House, adopted resolutions very absurdly declaring that any agitation of the question of slavery in or out of Congress was unwise and unjust to a large portion of the American people, and this in the teeth of the fact that the newspapers were full of the fierce, relentless, and bloody agitation in Kansas, where already several Democrats had wrecked their reputations, and the president was in vain by proclamation commanding the peace. But the politicians who knew these resolutions to be the merest buncombe, went on with their work and made disposition of their forces regardless of them. The Know-Nothings in convention at Philadelphia on the 28th of February, nominated Millard Fillmore, of New York, for president, and Andrew Jackson Donelson, of Tennessee, for vice-president. Fillmore had already served one term as president, and was known to be a rather weak and pliable statesman, but Donelson had no experience in public affairs, except as private secretary of Andrew Jackson. A remnant of the Whig party met in convention in Baltimore later in the year and (1) declared Pierce's administration responsible for the troubles in Kansas; and (2) endorsed the Know-Nothing nominations and platform. These nominations were the sequel for the opening of the canvass, which was farther stimulated by the caning on the 22d of May of Senator Sumner, of Massachusetts, in the Senate chamber, just after adjournment, by Preston Brooks, a representative from South Carolina, because he had made what he considered a libellious attack upon his uncle, Senator Pierce Butler, of that State. The people of Boston, at a meeting held in Faneuil Hall, denounced Brooks, while those of Columbia, S. C., sustained and applauded him. The feeling thus given vent to spread from those cities — from the former to the North and the West, and from the latter throughout the South, and thus a personal quarrel became a sectional and finally a partisan one. Brooks wrote a letter to the English statesman, John Bright, explanatory of his course, and also stated his case in a speech to the House of Representatives, from which he and his friend, Keits, resigned, and to which they were sent back in August. In June the Democrats in convention at Cincinnati, nominated James Buchanan, of Pennsylvania, for president, and John C. Breckenridge, of Kentucky, for vice-president. The former had served in the House of Representatives from 1820 to 1830, in the Senate from 1833 to 1845, as secretary of State from 1845 to 1849, and was minister to England from 1852 to 1856. He was regarded as a safe, conservative statesman, one who had made no mistakes, and was sound on the main question of keeping slavery out of politics. Mr. Breckenridge was a superbly balanced man of vigorous mind, and healthy, stalwart frame and constitution. He was of an open, frank nature, a graceful, strong, and convincing speaker, a Democrat of the strict construction school, had served in the House of Representatives, and was a great favorite at the South, where his personal beauty, his chivalric bearing, his winning ways and oratory were a constant theme with

all classes. On the 17th of June the Republicans in convention at Philadelphia nominated John C. Fremont, of California, for president, and William L. Dayton, of New Jersey, for vice-president. The former had been an officer of the corps of engineers of the army, and had served in the Mexican War, explored the Rocky Mountains, and resigning from the army was elected to the United States Senate by the Legislature of California as a Free Soil Democrat, and served from 1851 to 1853. Mr. Dayton was a lawyer of distinction, and had served in the United States Senate from 1842 to 1851. The Republican party was the direct product of the Free Soil defection from the Democratic party, lead by Chase, of Ohio, Sumner, of Massachusetts, Francis P. Blair, of Missouri, and Preston King, of New York. These were joined by Whigs like Lincoln, of Illinois, Seward and Greeley, of New York, and Sherman and Corwin, of Ohio, who were followed by Democrats like Doolittle, of Wisconsin, Cameron, of Pennsylvania, William C. Bryant, of New York, and Gideon Wells, of Connecticut. These were all of them men of many years political experience and admitted ability, who entered heartily into the schemes and purposes of the new party, which were declared in a formal platform to be (1) opposition to the repeal of the Missouri compromise; (2) opposition to the extension of slavery to free territory; (3) in favor of the admission of Kansas as a free State; (4) in favor of the exercise of the power of Congress, which it declared to be paramount in the territories, to prohibit in them "those twin relics of barbarism," polygamy and slavery; (5) it denounced the Ostend manifesto which had declared for the purchase or capture of Cuba; (6) declared in favor of a Pacific railroad; and (7) of appropriations by Congress for the improvement of the rivers and harbors. But nothing was said about the tariff. The American or Know-Nothing party presented a platform of sixteen paragraphs, of which the principal were (1) that Americans should rule America, and therefore none but natives should be elected to fill municipal, State or national offices; (2) that the naturalisation law should be amended so as to provide for a residence of twenty-one years for citizenship; (3) for the enforcement of all laws until repealed or declared unconstitutional; (4) opposition to Pierce's administration for the expulsion of Americans from office and reopening sectional strife by repealing the Missouri compromise; (5) abolishing the secrecy of the lodges and substituting a mere pledge of honor to support and sustain the order. The platform of the Democrats was a renewal of that of 1852, which included the original one of 1840, with additional resolutions approving the Kansas-Nebraska bill, the principle of popular sovereignty, and condemning the Know-Nothing movement. The issue thus fairly joined, the country was aroused from one end to the other, and mass meetings and, in Memphis and its vicinity, barbecues became an almost daily announcement. The political activity was unparalleled. One of the most noted of these gatherings was a barbecue and bran dance near Big Springs, Poplar street road,

given as a testimonial by the citizens to Senator James C. Jones, who then, as the *Appeal* attests, made the most powerful effort of his life. In the course of this speech, which he was four hours in the delivery of, the Senator, in tears, pointed out the dangers that beset the country and especially the rights of the South under the constitution, and he declared that in the event of Fremont's election the South should not stay in the Union. To prevent such a catastrophe he had determined to vote the Democratic ticket, and he counselled all within the sound of his voice to do likewise. The Democratic party of Buchanan he repeated was the only political organisation that could beat down Black Republicanism and it was worthy of the confidence of the people. In this movement, hailed with the greatest delight by the Democrats of Memphis, Senator Jones had been anticipated by more than half of the Whig senators —by Pearce and Platt, of Maryland, Benjamin, of Louisiana, Toombs, of Georgia, Geyer, of Missouri, Clingman, of North Carolina, and Watkins, of Tennessee, all of whom had pronounced for the Buchanan and Breckenridge ticket. This speech of Senator Jones had a decided effect upon the Know-Nothings of Memphis, and especially aroused the Whig planters, by whom he was known to be a conservative Union man and anything but an alarmist. Mr. Henry G. Smith, a local Whig celebrity, followed Jones and expressed his concern for the country's safety should Fremont and the Black Republicans triumph. But this concern proved to be groundless, Buchanan and Breckenridge were elected, and the event was celebrated by the Democrats of Memphis by a grand illumination, an imposing demonstration and procession, the firing of a salute of thirty-one guns and by speeches in Court Square by Congressman Isham G. Harris, ex-Governor Matthews, Senator Jones, Mr. Tom Avery, and Alderman Hughes. The *Appeal*, itself fairly intoxicated by so signal a victory, reported that "the illumination was extensive, if not general, throughout the city. The fire-works were brilliant, picturesque and dazzling, the speeches patriotic and pointed, and the ladies contributed beaming smiles to crown the festivity with a halo. One or two incidents only we shall mention. In the northern portion of the city (which was generally and handsomely illuminated) a cottage was described with a single tallow candle in its only front window, where the band of Hessing and the procession of horsemen involuntarily halted to regale its humble occupant with patriotic and stirring airs and hearty, honest cheers. An humble woman made her appearance at the door and, with a tear in her eye, acknowledged the compliment and assured the gentlemen that, though a lonely woman, her heart was with the Democracy and all she had on earth was at the service of the cause. This woman had contributed the widow's mite, more valuable, as an evidence of sincerity, than a large contribution from unwilling hands. The ceremonies of the evening were concluded at the residence of S. P. Walker, esq., by the presentation of a beautiful and massive silver goblet to Mrs. Hannah Wormeley,

by Colonel W. H. Carroll, in behalf of the Democratic Association. The cup was received by J. B. Lamb, esq., on the part of Mrs. Wormeley, with a handsome and appropriate response. The object of this presentation, for her zeal in our glorious cause, is fairly entitled to this compliment." The country was for the time being saved from the agonies of secession, but the war in Kansas was to be continued as the prologue of a drama that was to involve millions of lives and billions of money in destruction. In the midst of the heated and bitter national contest, and early in July, Thomas B. Carroll was elected mayor, defeating A. H. Douglass by 390 majority, the vote standing, for Carroll 973, and for Douglass 583. Mr. Carroll issued bonds from 1328 to 1516 inclusive, as follows: To P. G. Meath, 1328; to Jeptha Fowlkes from 1329 to 1332; to P. G. Meath, 1333; to Memphis and Little Rock railroad from 1334 to 1432; to P. G. Meath, 1433; to Memphis and Little Rock railroad from 1434 to 1516. During this year the charter of the city was amended by the Legislature in February to provide for the appointment by the board of mayor and aldermen of five commissioners, who were to give bonds for the faithful performance of their duties, which were explained to be the sale of the Memphis Hospital grounds and building and the reinvestment of the proceeds in more eligible grounds, and the erection of more suitable and commodious buildings, and necessary fixtures therein; providing for the publication of a digest of the ordinances; that the fiscal year close on the 1st day of July of each year; providing for a sinking fund of not less than $10,000 each year; empowering the board of mayor and aldermen to grade and pave streets and alleys and enforce obedience to ordinances for that purpose; providing for the appointment by the board of mayor and aldermen of a board of school visitors each year; providing for the levy of a school tax; regulating and restricting the issuance of city bonds; defining the powers of the city recorder as to misdemeanors, and how appeals were to be taken from his court; how delinquent taxes were to be collected; and adding the navy yard to the city and extending its jurisdiction over it as if it had never been granted to the United States. Early in the year Chelsea was laid out by William B. Greenlaw, John O. Greenlaw, Robert F. Looney, John L. and Isaac Saffarrans, and E. T. Keel and wife. They were the owners of most of the land bounded north by Kerr street; east by Sixth street; south by Bayou Gayoso and that part of Auction street east of the bayou, and west by Main street. They had this tract surveyed by Milton A. Kerr, and laid off into lots conforming to the original plan of Memphis. The Greenlaw brothers were the chief owners, and the sub-division was called the Greenlaw addition, but it is now generally known as Chelsea. While this addition was being made, the Legislature was busy cutting off a portion of Shelby county which it was designed to add to Tipton, but the bill to this effect which passed in the House by a decided majority, was defeated in the Senate. The city interested herself in this matter,

and was strong enough to save the northern part of the county. Business with the country was increasing, and the trade of Shelby was of some concern to the city. What the country trade had grown to be was very accurately measured by the increase in three years in the amount of cotton carried by the Memphis and Charleston Railroad, which, for the year ending February 29, 1854, was 56,875 bales; for the year 1855, 67,814 bales, and for the year 1856, 98,908 bales. The solvent and excellent condition of the banks, the number of blocks of buildings under construction and the price at which slaves were hired, from $150 to $200 for grown males, in some cases without trades, the hirer to pay doctor's bills, were so many additional proofs that the city was growing, in spite of the sectional struggle which induced the mayor and aldermen to adopt two ordinances this year increasing the restrictions upon negroes — one advertising them that nine taps of the bell in Court Square would designate the hour "when the darkies must go home," and all prudent white men should retire; another prohibiting the teaching of negroes to read in Sunday-schools, prohibiting night meetings of negroes for religious or other purposes except by the written permission of the mayor, and under the supervision of the police, and making it unlawful for any negro to preach in the city, the penalties for a violation of this ordinance ranging from $150 to $500. The public schools were another proof of the city's advancement, the number of pupils in attendance having increased from eight hundred to one thousand, and so strong was public opinion in their favor that there was something like clamor for new buildings for the children, to be well furnished and supplied with all necessary maps, globes, and black-boards. The same was true in regard to the country schools, in the interest of which the Legislature had, in January, enacted that each County Court in the State should on the first Monday in January of each year appoint one or more commissioners whose duty it should be to examine all applicants for the position of teacher in the free schools. Among the incidents of 1856, in connection with the city press, was the withdrawal on the 22d of January of J. M. Stockdell from the *Eagle and Enquirer*, of which Pryor & Grey assumed control; the suicide on the 5th of February of Dr. Randolph, journalist; the sale of the *Whig* by Harmon & Co. to A. C. Russell and James T. Leath, jr., Colonel Bankhead retiring from the editorial control; the death in October of John L. Marling, United States minister to Guatemala, formerly editor of Nashville *Union*, and the announcement by the *Appeal* on the 22d of November that William A. McEwen, formerly of the *Bulletin*, had been employed on its editorial staff. In March, the city having outgrown the dimensions of the old theatre, a dramatic association was formed of which W. C. Thompson was commissioned as sole agent to receive stock, the stipulation being that he was to give a performance of legitimate drama in a fine new building by the 1st of October. On the 22d of March Ole Bull gave a concert; on the 10th of July Mrs. Macready

gave dramatic readings; on the 17th of September Christy's minstrels appeared at the theatre, followed on the 15th of November by Matilda Herron, who played *Marco* in the "Marble Heart," after which she was tendered a complimentary benefit, which took place on the 22d; she was succeeded by Hackett as *Falstaff* on the 3d of December, and he by Mrs. Farran on the 19th of December. The personal incidents of the year were the ordination on the 6th of January of the Rev. C. T. Quintard to be a priest of the Protestant Episcopal Church in the United States, and of the diocese of Tennessee; E. Dashiell removed from the office of surveyor of customs of this port, on the 10th of January; Major R. A. Williamson, superintendent, killed by a train on the Memphis and Ohio Railroad running over him on the 17th of January; sudden death of David Park, a highly respected merchant, from apoplexy, announced on the 7th of March; a revolution announced in the form of packing cotton for shipment by the use of the McCombs iron tie, first tried at the pickery of the inventor in presence of many planters and merchants, and pronounced by them a decided success; the recovery of H. A. Montgomery from the effects of an accident sustained while building telegraph lines in Alabama, was the subject of congratulation in the *Appeal* of the 27th of March; Mrs. Myra C. Gaines, widow of General Gaines, was congratulated by the old residents and the bar of Memphis on her triumph in suits in Louisiana; W. C. Matthews killed instantly, and Joseph Williams shot by Ben Connor on the 1st of May in a dispute about a parrot; the invention by William Lonsdell, machinist, of a marine locomotive, and its exhibition on the 17th of August; the death of Major Marcus B. Winchester, first mayor of Memphis, announced on the 4th of November, in his fifty-fourth year; Valentine Austin killed on the 11th of November, while firing a salute in honor of the great Democratic victory, the citizens at once taking charge of his family; the death of W. R. Brown announced on the 18th; appointment of delegates to the Savannah Commercial Convention; and death of Major J. M. Wilson, for many years city marshal, announced on the 22d of November; Colonel F. C. Ames, late of the Georgia Railroad, became general superintendent and engineer of the Memphis and Charleston Railroad; James M. Williamson resigned the presidency of the Memphis and Little Rock Railroad, the completion of which had been a special topic of discussion at public meetings, and by the board of mayor and aldermen for several months. The State, by petition of the citizens of Memphis, endorsed the bonds given by the city for the purchase of iron for it and its equipment, and after many meetings and much of tediously prolonged discussion in the press, at public meetings, and by the city council, extending over many months, and propositions, and counter propositions, the navy yard property was devoted to the payment of the principle and interest of those bonds. Accordingly, on the 29th of June, 1857, a mortgage, which had been agreed to on the 12th of May, was filed for registration in the register's

office, and was recorded on page 272 of book number three on the 8th of July, pledging the prompt payment of $300,000 of the first mortgage bonds of the Memphis and Little Rock Railroad, payable fifteen years after date (the 1st of July, 1857). The city agreed to pay these bonds and the interest on them as they fell due, and pledged itself to apply the sales and rentals accruing from the navy yard grounds to the amount of $30,000 per annum to that purpose, and to reserve any surplus of that sum left after payment of interest as a sinking fund, to be held and appropriated alone to the retirement of the bonds before mentioned; in case of failure by the city to pay any one or more of these bonds as they fell due, the trustees—James Elder and Samuel Tate—were to lay off the grounds, and after sixty days notice to sell to the highest bidder for cash enough lots to redeem the past due bonds, the surplus, after payment of all expenses, to be paid into the city treasury; and it was also made the duty of the trustees to collect rents or lease money as might be necessary to pay the interest on these bonds in case the city failed in that duty. The city failing to pay interest as stipulated, a receiver was appointed by the Chancery Court to collect the navy yard rents and disburse them in payment of the debt. But the Chancery Court, the Hon. W. M. Smith, chancellor, on agreement by the council for Robert S. Adams and others *vs.* the Memphis and Little Rock Railroad Company, the mayor and aldermen of the city of Memphis, and others, the receiver was discharged and the property was remanded to the care of the city, the rents and profits of it to be applied to the payment of the interest on the bonds as provided for by the terms of the mortgage, but the right was expressly reserved by complainants to have the navy yard property and the rents thereof again placed in the hands of a receiver on the failure of the city to perform any of its stipulations and agreements. But eventually most of the land was sold under proceedings in chancery to foreclose the trust deeds. The city received several hundred thousand dollars of stock for the interest she had paid on the Little Rock bonds, which about 1869–70 it sold for $100,000 cash to the Memphis, El Paso and Pacific Road (which General John C. Fremont wrecked by mismanagement), and this is all that came to her of profit from a property that prudently managed might to-day be a source of income.

IX.

BLEEDING Kansas monopolised a large share of the public attention in January, 1857, when an attempt by the Topeka Legislature to meet, was prevented by the arrest of the members, by the Federal authorities. This was followed by the resignation of Governor Geary, who became distrustful of the administration, and gladly made place for Robert J. Walker, of Mississippi, formerly secretary of the treasury, who entered upon his duties determined to

do what he could, by a fair and just administration of the laws, to secure peace. This was the condition of affairs in Kansas, in March, when the Supreme Court of the United States delivered its judgment in the Dred Scott case, declaring that the plaintiff in error was not a citizen of Missouri, in the sense in which that word is used in the constitution; that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it; and that its judgment must, consequently, be reversed and a mandate issued, directing the suit to be dismissed for want of jurisdiction. The facts of the case were these: Dred Scott was a slave, the property of Dr. Emerson, of the United States Army, who took him from Missouri to Illinois, where slavery was prohibited by the constitution, and thence to Fort Snelling, in upper Louisiana, where slavery was prohibited by the Missouri compromise. Dred Scott, upon his return to Missouri, with his master, learned that by his removal to Illinois and Upper Louisiana (now Minnesota), he had been made a free man, and in 1848, upon being whipped by Dr. Emerson, he sued him for assault and battery, in the State Circuit Court at St. Louis, and obtained judgment in his favor. The State Supreme Court, on appeal, reversed this decision, refused to notice the Missouri compromise, or the Illinois State constitution, and remanded the case to the Circuit Court, where it remained in abeyance pending the argument and decision in the Supreme Court of the United States, which, in addition to the points already stated, decided that the Missouri compromise was unconstitutional, that Congress did not have supreme control in the territories, and that the African race, as persons, had no legal existence under the constitution.[1] Justice Curtis, speaking for himself

[1] The reader will be able to determine for himself something of the justice and truth of this decision, by reference to the status of the negro, as defined in the several State constitutions, beginning with the first, adopted by each State:

CONNECTICUT made her primal qualifications for citizenship the being a "white male citizen of the United States." This, in her first constitution, adopted in 1776, was repeated in that of 1845, an amendment being adopted in 1855, prescribing an ability to read, as an additional qualification. No amendment was ever made admitting the colored man to vote, and if he votes now in that State, it is because of the force of the later amendments to the Federal constitution.

DELAWARE, which prohibited the importation of negroes and Indians "from any part of the world," in 1776, in her constitution of that year, made her qualifications for citizenship the being a "free white male." This was repeated in her constitution of 1831.

MARYLAND, in her constitution of 1776, conferred citizenship on "all free men having a freehold," etc. But in 1851 this was changed to "every free white male citizen of the United States," and it was repeated in 1864 and 1867. This difference, between her first and later constitutions, would lead to the conclusion that the wording of that of 1851 was a correction in a very important particular of that of 1776, which was latitudinarian, and might, if it had not been construed in favor of the free man of color exercising the voting among others of the privileges of a citizen.

MASSACHUSETTS, in 1780, admitted "every male person" to citizenship.[1]

[1] It will be understood by the reader that mention of other and special qualifications for citizenship are omitted, because the question of the negro is only here involved.

and Justice McLean, dissented from that part of the judgment of the majority of the court in which it was held, that a person of African descent could not be a citizen of the United States; and he dissented from their assumption of

GEORGIA, which at the first protested against slavery, and successfully, until the proprietory gave way to the crown government, prohibited the importation of negroes after October, 1798, in her constitution of 1777, admitted "all male whites," and, in 1789, explained that "electors were citizens and inhabitants of the State, resident therein six months, and paid taxes for one year preceding." Nothing was said about color. The constitution of 1798 was to the same effect.

NEW HAMPSHIRE, in her constitution of 1784, made "every male inhabitant" a citizen, and repeated those words in her constitution of 1792.

NEW JERSEY conferred citizenship on "all inhabitants of full age," who, being "worth 50 pounds, and having resided 12 months in the State, had a right to vote." In 1844 she repented her of this liberty to women and men, of all colors, and in her constitution of that year confined the privileges of citizenship to "every white male citizen of the United States," and in 1875 struck out the word "white."

NEW YORK, in her constitution of 1777, extended citizenship to "every male inhabitant," and also in her constitutions of 1821, 1846 and 1874. Men of color, however, could not vote unless they had been three years a citizen of the State, and had a freehold of $250 value above all debts and incumbrances, and no colored man could be taxed unless he had that amount of real estate.

NORTH CAROLINA, by her constitution of 1776, conferred citizenship on all freemen twenty-one years of age, and possessed of a freehold of fifty acres. Under this constitution free negroes were allowed to vote, and did continue to vote for nearly sixty years, to muster, to keep and bear arms, and exercise the rights of freemen, and by many were deemed eligible to office, though they were compelled to register and were under some police restraints. In the case of the State *vs.* Manuel, a free person of color, reported in 1st Bat. and Div. L. Rep. 20, Judge Gaston, after reviewing the rights of those persons under various sections of the constitution, concludes: "We understand all the sections which interdict outrages upon the person, liberty and property of a free man, as securing to that extent for all amongst us who are persons entitled to liberty, and are permitted the enjoyment of property. They are so many safeguards against the violation of civil rights, and operate for the advantage of all by whom these rights may be lawfully possessed." In 1835 the constitution was amended so as to exclude "free negroes, free mulattoes, or free persons of mixed blood," from the ballot. In 1854, an amendment to the constitution was ratified which conferred citizenship upon "every free white man." In 1868 the privileges were conferred on "every male person," and again, in 1876, by the constitution of that year.

OHIO restricted the suffrage to "white males," by its constitutions of 1802 and 1851.

OREGON, by its constitution of 1857, conferred citizenship only upon "white male citizens."

PENNSYLVANIA, by the charter of 1701, conferred the right to vote on "freemen," and by the constitutions of 1776 and 1790. By that of 1838, "every white freeman" could vote, and such citizens of the United States as had been citizens of the State, and had returned and paid taxes, and resided in the county six months. In 1873 "every male citizen" was made a voter.

By the constitution of RHODE ISLAND, of 1842, "every male citizen" was made a voter.

SOUTH CAROLINA, in 1778, made "every free white man" a citizen "who acknowledged God, and believed in a future state of rewards and punishments." In 1790 "every free white man" was made a citizen who had "a freehold of 50 acres or a town lot." In 1865 "free whites" were made citizens, and, in 1868, "every male."

TENNESSEE, by her first constitution (1796), made "every freeman" a citizen "who possessed a freehold," and, by the constitution of 1834, "every free white man," "provided that

authority to examine the constitutionality of the Missouri compromise act, and "from the grounds and conclusions reached in their opinion. Having first decided that they were bound to consider the sufficiency of the plea to the ju-

no person shall be disqualified from voting in any election on account of color, who is now, by the laws of the State, a competent witness in a court of justice, against a white man." This concession was made because Mr. Allen, in the debate which ensued, in the convention of 1834, on that clause of the then proposed constitution which related to the insertion of the words "free white man," as one of the qualifications for voters, opposed it, because it would take from the negroes a right they had enjoyed for thirty-eight years. When the vote was taken to insert the word "white" after the word "free," it stood 33 yeas to 23 noes. Many petitions, from several counties, were sent to this convention of 1834, praying that some system of gradual emancipation be agreed upon, but Mr. McKinney, chairman of the committee to whom they were referred, reported against them, because the petitioners wanted the negroes thus freed sent out of the country, which, Mr. McKinney said, could not be done, because, "being then free, they could not be compelled to go without their own consent." This report was agreed to by 44 ayes to 10 noes. The first constitution of Tennessee, in all respects bearing upon the civil and political rights of free persons of color, was an exact copy of the first constitution of North Carolina, the framers understanding the position of "freemen," and the construction put upon that word by the jurists of the mother State. Judge Catron (afterward a justice of the United States Supreme Court), in the case of Fisher *vs.* Dobbs, 6 Yerger Rep., 126, speaking of the gift of freedom and the effect of the States' assent, said: "It is adopting into the body politic a new member, a vastly important measure in every community, and especially in ours, where the majority of freemen, over twenty-one years of age, govern the balance of the people, together with themselves, when the free negro's vote at the polls is of as high value as any man's. It is an act of sovereignty, just as much as naturalising the foreign subject. The highest act of sovereignty a government can perform is to adopt a new member with all the duties and privileges of citizenship." Mr. Jordan Stokes, in the State Senate, in 1860, during the debate over the question of compelling all the free negroes to leave the State, proved, that though they had lost the right of the franchise by the constitution of 1834, they had not lost their other civil rights. Judge Gaston, of North Carolina, in the case already quoted, of the State *vs.* Manuel, a freeman of color, said: "The possession of political power is not essential to constitute a citizen." By the constitution of 1870, "every male" was made a citizen.

TEXAS, by her constitution of 1836, made "free whites" citizens of the republic, and the words were continued in the constitution of 1845, under which she was admitted into the Union, and also in the constitution of 1865. By the constitution of 1868, "every male" (Indians not taxed, excepted), were made citizens, and by that of 1876, "every male person."

VERMONT, by her constitution of 1777, made "every man of the full age of 21," a citizen, and also by those of 1786 and 1793. In 1828 "citizens of the United States" were made citizens.

VIRGINIA, by her constitutions of 1830, 1850 and 1864, made "every white male" a citizen, and, in 1870, "every male citizen" was made a voter. In the Constitutional Convention, of 1829, many leading men denounced slavery, among them Charles James Faulkner, a member of the House of Representatives in 1886. And in 1831, the abolition of slavery was discussed in the Virginia Legislature, a declaration in favor of it being defeated by only a small majority.

WEST VIRGINIA,[1] by her constitutions of 1861 and 1863, made "white male citizens" voters, and by that of 1872, "male citizens."

WISCONSIN, by her constitution of 1848, made "white males" citizens, and persons of In-

[1] Admitted upon conditions of gradual emancipation.

risdiction of the Circuit Court, and having decided that this plea showed that the Circuit Court had no jurisdiction, and, consequently, that this is a case to which the judicial power of the United States does not extend, they have gone

dian blood, who had once been declared citizens, by a law of Congress. In 1866, the question having been raised, it was decided, by the Supreme Court, that the right of suffrage had been extended to colored persons by vote of the people at the general elections, held November 6, 1849.

FLORIDA, by her constitution of 1838, conferred citizenship on "every free white male."

ILLINOIS, by her constitution, made "all white males," voters, and by that of 1848, "every white male."

INDIANA used the same formula, and by her constitution, of 1816, made "every white male citizen of the United States" a voter, and repeated it in her constitution of 1857.

IOWA, by her constitution of 1846, made "every white male" a citizen, and again in 1857. In 1868 the word "white" was stricken out.

KANSAS, by territorial enactment, 1854, conferred citizenship upon "every free white male inhabitant," and by the constitution of 1855 (Topeka), upon "every white male person"; by the constitution of 1857 (Lecompton), upon "every male citizen of the United States"; by the constitution of 1858 (Leavenworth), "every male citizen of the United States" was made a citizen; and by that of 1859, "every white male person" was made a citizen.

KENTUCKY, by her constitution of 1792, conferred citizenship upon "all free males," and again, in 1799, "negroes, mulattoes and Indians, excepted." In 1850 the words "every free white male," were used. Judge Mills, of the Court of Appeals, of Kentucky, commenting on the Bill of Rights, and the powers of the Legislature and other departments of government, says: "The powers which they are therein forbidden to exercise, they do not possess, and cannot exercise over any man or class of men, be they aliens, free persons of color, or citizens."

LOUISIANA by the territorial enactment of 1804 conferred citizenship upon "all free white males." By her constitutions of 1812, 1845, 1852, 1864, and 1868, the right to vote was conferred upon the same character of persons.

MAINE, by her constitution of 1820, conferred the right of the franchise upon "every male citizen of the United States."

MICHIGAN, in her constitution of 1835, conferred citizenship on "every white male," and the same in 1850, and by the amendment of 1870 "every male person."

MINNESOTA, by her constitution of 1857, made "every male person" a citizen.

MISSISSIPPI, by her constitutions of 1817 and 1832 conferred citizenship on "every free white male," and by that of 1868 on "every male citizen of the United States."

MISSOURI, by her constitution of 1820, conferred citizenship upon "every free white male," and though slavery was abolished in January of 1865, the constitution of that year restricted the suffrage to "every free white male." In 1875, by a new constitution "every male person" was made a citizen.

NEBRASKA adopted her first constitution in 1867, and conferred citizenship on "white persons, citizens of the United States."

NEVADA was admitted to the Union while the war was being waged, and in her first constitution conferred the suffrage on "every white male."

CALIFORNIA, in 1849, in her first constitution, restricted the suffrage to "every white male."

ARKANSAS, in her constitution of 1836, conferred citizenship on "every free white man." The constitution of 1864, by which slavery was abolished, restricted the suffrage to "every free white male citizen" but by the constitutions of 1868 and of 1874, "every male person born or naturalised in the United States" was made a citizen.

ALABAMA, by her constitution of 1819, made "every white male person a citizen of the United States" an elector. By the constitution of 1865, the same restrictions were continued, but by that of 1867 and of 1875, "every male person born or naturalised in the United States" was made a citizen.

on to examine the merits of this case as they appeared on the trial before the court and jury, on the issues joined on the pleas in bar, and so have reached the question of the power of Congress to pass the act of 1820. On so grave a subject as this I feel obliged to say that, in my opinion such an exertion of judicial power transcends the limits of the authority of this court as described by its repeated decisions and, as I understand, acknowledged in this opinion of the majority of the court. . . A great question of constitutional law, deeply affecting the peace and welfare of the country, is not in my opinion, a fit subject to be thus reached." This decision, which stood and remained in force until the adoption of the fourteenth amendment to the constitution, was ready for delivery in December of 1856, but was purposely delayed on account of the war in Kansas, had the immediate effect of inducing a heavy recruitment of the ranks of the Republican party and intensifying the anti-slavery feeling at the North. But at the South it was treated as a righteous decision and a timely one, in view of the inroads the abolitionists were making at the North and the rapidity with which sectional feeling was being solidified and strengthened in that section. The Memphis press and people rejoiced over it, the *Appeal* being especially jubilant because it saw in Judge Taney's words a declaration by the highest court in the country defining the status of the African in accordance with the then general Southern view that was final and from which there could be no appeal. But it had no effect upon "the border ruffians," or "freedom shriekers" of Kansas. They had appealed to arms and were fighting out the issue of freedom or slavery in their own way, and their fight was to be continued into the greater and fiercer fight that all sagacious men, north as well as south, now admitted to be inevitable. The "irrepressible conflict" could be ended in no other way. Memphis was not permitted to rejoice over this decision very long. Her acclamations were, in a few days after its publication, turned in another direction. The completion of the Memphis and Charleston railroad was to her a subject for rejoicing nearer, and, therefore, more to be appreciated. Senator Jones, who had driven the first drove the last spike in the line and delivered an address full of enthusiasm over the fact, and in connection with it the future of Memphis. This the people and press shared with him, and the board of mayor and aldermen, prompted by the public voice, resolved upon a public celebration of the event to take place on the 1st of May and to be signalised by the mingling of the waters of the Atlantic with those of the Mississippi. The programme occupied nearly a week in the fulfillment of it. The general reception of guests and jubilation over the event took up the whole of the first day, and a procession of school children and firemen, and the mingling of the waters on the second, followed by a grand excursion up and down the river on five palatial steamboats. The third day was devoted to sight seeing and private entertainments, and the fourth to a banquet by the local press to the visiting brethren and the special

guests of the city. More than 25,000 persons participated in the ceremonies and rejoicings of "the greatest demonstration of popular joy" ever witnessed in the Mississippi Valley. The *Appeal* of the 2d of May stated that Charleston, Augusta, Chattanooga, Atlanta, Nashville, Huntsville, Tuscumbia, and all the towns in the immediate vicinity, were represented by hundreds, thus showing how deep and extended was the interest aroused by the final consummation of the great chain of railways which connected "the ancient and chivalrous city of Charleston, on the sounding shores of the Atlantic," with the growing young city—the village of yesterday—seated on the last of the Chickasaw bluffs, which "nature herself erected as the throne of southwestern commerce upon the brow of whose regal occupant her richest and most radiant jewels are destined to shine." It was a proud and a glorious day for the enterprise, the energy, the intelligence and the high spirit which were represented by the thousands who assembled in the streets to commemorate "the union of the southern Atlantic with the flood-tide of southwestern civilisation, progress and commerce" "Where ancient empire held its seat" adds the *Appeal*, "it was the custom to celebrate the triumphs over barbarian hordes with ovations and processions, and to chain to the victorious cars of the conquerors, their humbled captives. A grander spectacle we were permitted to witness yesterday than the most magnificent pageants of the seven-hilled city. Our triumph is that of art and enterprise over the obstructions of nature. We celebrate a closer union, political, social and commercial, between sister States and communities, and the strengthening of the ties of fraternity and good fellowship between those whose hearts beat to a common sympathy. We meet together to cement those ties by graceful acts of hospitality. We rejoice at the annihilation of distance and the approximation of distant communities to the relation of neighboring districts, which, hitherto, mountain, river and slow locomotion have kept apart and sundered. All the arms that we employ are the arms of welcome. All the hostility that we acknowledge is a common hatred to every obstacle to our perfect union. All the captives that we chain to our triumphal cars is the giant steam which we have made subservient to our social and commercial progress. The conquerors are the people who have contributed their means, energy and talent to the consummation of the great work." Describing the more important ceremony of the mingling of the waters the *Appeal* reported that long before the hour named for it —12 o'clock —"an immense throng assembled on the bluff, the wharf and the decks of the steamers in port to witness the glorious libation, offered up by the sons of Charleston, of the waters of Old Ocean to the King of Floods. But the hour arrived and no preparations were visible for the important ceremony. An hour passed and the crowd grew restive and impatient, thousands leaving the ground and despairing of the arrival of the fire department with the car bearing the precious freight. In the mean time the firemen were in Court Square being

regaled by eloquent speeches from different gentlemen, the mayors of Memphis and Charleston and delegates from Augusta, Atlanta, Macon and Nashville, who were introduced by Chief Marshal Baxter with appropriate remarks. After the conclusion of the speeches, the firemen proceeded to the wharf opposite Court street, the Phœnix Company of Charleston with their engine, containing the briny element from Charleston, in advance, and the arrangements being completed, Samuel Tate, esq., president of the Memphis and Charleston Railroad, delivered some remarks to the gallant visiting firemen, returning his thanks for their devotion in coming so far. The Phœnix Company then, assisted by the members of visiting companies, the former managing the brakes and the latter the hose, threw into the swift current of the Mississippi a crystal stream from the Atlantic's bosom, which burst forth as though a new and living fountain of life, happiness and progress had commenced to flow, casting its vital and perennial properties into the wilderness and bathing the assembled thousands in its cooling and healing flood. The shouts of the multitude rent the air to salute the new-born era, and all felt that henceforth the billows of old ocean and the rolling flood of the Mississippi, and all that dwelt upon their shores, are no longer strangers and distant principalities, but friends, brothers, neighbors, married by a common interest and destiny and united by the space-annihilating locomotive. During the ceremony of the libation Hon. W. W. Boyce, of South Carolina, made an impromptu speech." The press dinner which closed the celebration of an event, one of the most momentous in the life of Memphis, was in keeping with all that preceded it, and worthy the traditional and "whole souled" hospitality of the city. Charleston, not to be outdone, also resolved upon a celebration and the newspapers on the 6th published as part of the proceedings of the board of mayor and aldermen a letter from the Hon. William Porcher Miles, mayor of Charleston, extending the hospitalities of that city to the citizens of Memphis, which was accepted and the 27th of May was named for the grand fête, which the delegates from the city who participated in it described in glowing and eulogistic terms. The completion of the Memphis and Charleston railroad was the fulfillment of a hope that had agitated the people of Memphis in one form or another from 1831, and was the greatest, and for many years, the best paying enterprise of its character in the South or Southwest. It was the most signal triumph of the internal improvement mania which possessed the people of Tennessee for several years. The first railroad chartered by the State was the Memphis Railroad Company in 1831. This charter (no work having been done under the title) was changed in 1833 to the Atlantic and Mississippi Railroad Company, the road to run to Pulaski, in Giles county, there to connect with a projected road from Florence, Ala., a town laid out by a company of which Monroe, Madison and Jackson were stockholders. The next road chartered was the La Grange and Memphis Railroad Company,

which received State aid to the amount of $125,000, but was never finished. In 1835 railroads were projected in every direction out of the State, to Charleston, Louisville, and Cincinnati, but the projected line from Charleston to Louisville and Cincinnati monopolised attention. Tennessee voted a subscription to it of $650,000. Some of these bonds were issued but in consequence of a defect in the law were subsequently returned and the subscriptions were cancelled. In 1848 a new railroad aid law was passed by which the State endorsed the mortgage bonds of the companies, the State securing a lien upon the whole stock of the company and on the fixtures. Under this act bonds were issued to the East Tennessee, Virginia and Georgia, and to the Chattanooga Railroad Companies. But this law, too, proved defective, inasmuch as no provision had been made for furnishing the State authorities with necessary information to enable them to protect the interest of the State, or for the State to protect itself by legislation. In 1849–50 an attempt was made to remedy these defects. The State was to issue her own bonds and have the title to the road vested in her. But this also proved a failure. The Legislature failed to provide the means by which information could be obtained of the condition of the companies and by which it could legislate as a sovereign instead of resorting to the courts as an individual. In February, 1852, an act was framed to avoid these defects. The bonds issued by the State were so in her sovereign capacity, for the payment of which its credit was pledged and without involving itself in any relation of trust or partnership. This act was entitled "an act to establish a system of internal improvements in this State." It required each railroad company to prove a bona fide subscription, good and solvent, for its capital stock sufficient to grade, bridge and prepare for the iron rails throughout the whole extent of the main trunk line. The governor was to exact a rigid compliance with these terms. This done, and after thirty miles of the road at either terminus shall have been so prepared, the governor is to issue eight thousand dollars per mile in six per cent. State bonds to be used in procuring rails and equipments alone, for which the State was to be secured in a prior lien or mortgage on all the interests, and branches, and equipments of the road, the company being bound to deposit in the Bank of Tennessee, fifteen days before due, the interest falling due, or give satisfactory evidence that the same had been paid. Failing in this the governor was authorised to take charge of the road, and place it in the hands of a receiver who was to administer its affairs until the arrears of interest had been paid; and so, the company failing to pay the bonds when they fell due, the State was to take possession of and dispose of the road to protect itself. It was also provided that five years after the completion of the road, one per cent. per annum upon the amount of bonds issued was to be set apart by the company to be used in retiring the bonds of the State, which bonds when returned shall be a credit on the debt due to the State. An act

passed in February, 1854, amended this act of 1852, increasing the amount per mile to $10,000, and provision was made for issuing bonds to pay for building bridges. On the 17th of February, by an act to amend the charter of the Memphis and Somerville Turnpike Company, and for other purposes, the length of the sections after the first thirty miles was decreased from twenty to ten miles, and on January 19, 1855, the grading of ten mile sections was to be taken in lieu of completing them. In 1851 the first contracts for the construction of work on the Memphis and Charleston Railroad were let and Governor James C. Jones being elected to the United States Senate, was succeeded in the presidency by A. E. Mills, of Huntsville, Ala., who finished the contracts made by Jones. This exhausted the treasury and increased the embarrassments the company labored under of not having a charter from Mississippi granting right of way through the northeast corner of the State, which was opposed by the jealous friends of the Mississippi Central Railroad. In order to overcome this hostility, Mills and Sam. Tate agreed for their road to subscribe $125,000 to the capital stock of that concern. When submitted to the board of directors of the Memphis and Charleston Railroad, this contract was indignantly rejected, some of the directors declaring they would resign before accepting a charter on such disgraceful terms. But President Mills and Secretary and Treasurer Sam. Tate, though disappointed, did not despair. They were the active officers of the road, were carrying the burden of responsibility, and everything depended upon them,—Mills on the eastern, and Tate on the western division. Tate renewed the contract with the Mississippi Central, and threatened to resign if the directors did not ratify it. On the 1st of April, 1854, it was ratified, after a stormy debate at a meeting of the directors held at Tuscumbia, Ala. Mills resigned the presidency, and Tate, after a great deal of persuasion, accepted it. He was the man for the place, the man the public had been looking to, and in whom the people had confidence that he had the ability to build and manage the road. Making careful calculations, Mr. Tate decided to call a meeting of the stockholders at Huntsville, to whom he stated that $2,000,000 had already been expended upon the work, and that $1,600,000 would be necessary to complete it, $400,000 of which he must have at once to finish existing contracts. All of his recommendations were adopted at once, and $312,000 of the $400,000 was subscribed. He had infected the stockholders with his own enthusiasm, and they urged him to proceed with that amount, but he refused, saying it would not be honorable in him to speculate at the risk of men whose bread depended upon their daily labor. After the adjournment of the stockholders' meeting, Tate, with rare energy, made a tour of the valley, and visited every one of the larger stockholders, and persuaded them to subscribe still more, returning to Huntsville with all but $13,000 of the amount needed. There he was met by the whole population, who welcomed him with cheers. In the speech that he made, in response to their

hospitable greeting, he reported his success and what he wanted, when the sum was immediately subscribed by four of the bystanders. Mr. Tate then announced that the enterprise would be a success and that it would be completed by the 1st of April, 1857. He proved to be a true prophet. It was completed, as already stated, on the 27th of March, 1857. The Memphis and Louisville, the Mississippi and Tennessee, and the Memphis and Little Rock Railroads were at this time making rapid progress. The city was advancing with immense strides, great blocks of buildings were being constructed, the foundations of some of them being laid by gas-light, so great was the demand for stores and dwellings. This was due almost altogether to the Memphis and Charleston Railroad, which traverses a belt of country that cannot be surpassed on the globe in respect to mildness and salubrity of climate; the diversity of agricultural products; variety and fertility of soil; the variety and quantity of its timber, and supplies of water; value and abundance of coal, iron and other minerals found in veins of four to ten feet thickness, eighteen to forty miles south, between Dickson Station and Chattanooga, and on that portion of line east of Huntsville to Chattanooga. The line extends from Memphis in a line almost due east to Chattanooga, on the south bank of the Tennessee River, a distance of 309 miles, running along parallel thirty-five degrees north latitude through its whole course, traversing the following counties: Shelby, Fayette, Hardeman and McNairy, in Tennessee; Tishomingo, in Mississippi; and Franklin, Lawrence, Morgan, Limestone, Madison and Jackson, in Alabama, connecting at its terminal point with the whole railroad system of the South. A few weeks after the railroad jubilee a meeting of influential Presbyterians sent a communication to the press reflecting upon the management for running trains on Sunday. This the *Appeal* dismissed as scarce worth mentioning. But it made more than a ripple, and was for a time almost as serious as the charge that the road was doing a commission and forwarding business, which President Tate explained away to the satisfaction of the board of mayor and aldermen, who had become tediously garrulous to a degree that called for remonstrance on the part of Alderman Elder, who, being a thorough man of business, appreciated the value of time. There was scarcely a question mooted that was not debated, and sometimes with an amount of choler far beyond any value it could possibly have for the public. The disposition of the navy yard, the issuance of bonds to the Little Rock Railroad, the codification of the ordinances, the bread ordinance, the publication of the public accounts, and an ordinance forbidding the sale of slaves on the streets, were subjects of debate for many mouths, to which the public were invited by the press, which tried every form of ridicule in its efforts to suppress a growing nuisance. As one of the reporters stated, it was "words, words, all words, mere words," and remarks so silly as often to excite public derision. The reports in the *Appeal* of Mr. Roselle are full of severe and caustic comment on this babel, in which im-

portant measures were frequently lost sight of, and sometimes ordinances were a second time voted upon long after they had been adopted. One of Mr. Roselle's paragraphs will give the reader of this history an idea of the wisdom current with some of the aldermanic solvers, who, in proportion to their ignorance, were obtrusively and noisily declamatory: "When Rip Van Winkle recently took a part in the deliberations of our City Council, he did not confine himself to the subject of 'pastering cows;' he had also something to say about water-works. Of course, having slept so long, he was not in a state to comprehend, at this early day, the idea of Memphis having or requiring genuine, respectable, useful water-works. Rip knew that when water was up a hill it would run down again, if allowed; also that if put into a hole it would lie there until wanted. He therefore took a yawn, rubbed his eyes, and suggested that Council, instead of contracting with any body to erect a water-works at their own expense, should employ the chain-gang to dig two big holes, *very* big holes if it was necessary, and start the engine at the Navy Yard to fill them with water from the Mississippi, then to let the holes empty themselves in little streams, just wherever the streams were wanted. This was old Rip's scheme, and the two big holes with the Navy Yard engine appeared to some of the residents of Sleepy Hollow so much more adapted to Memphis than a regularly built system of water-works, that the projectors of the latter were presented with the 'cold shoulder,' and Rip gained the day. To any one acquainted with Rip's antecedents, it will not be surprising to be told that the two big holes remain undug; that the Navy Yard engine is still cold and motionless, and in no danger of 'busting the biler,' and thereby waking up Rip with an explosion." Secret sessions were among the indulgences of the board of aldermen after the manner of the United States Senate, but these were put a stop to by Aldermen Martin, Emder and others, who agreed with the *Appeal* that they were not in accordance with sound public policy. But out of this chaos of absurdity there is to be gathered now and then a crumb of comfort. One of these, in the form of a message from Mayor Baugh, who had been elected in July, and in his first message recommended some measures for the benefit of the public schools, a new market house, a police station house in the center of the city, recommended the proposition of Blythe and Winchester for the construction of waterworks, suggested the propriety of dividing the sixth ward, and concluded with the statement that the city was fully able to meet all its financial engagements. This message was well received and was ordered spread upon the minutes as an important document. Mayor Baugh, who was a sensible, shrewd business man, issued bonds numbered from 1517 to 1792, inclusive; from 1542 to 1792, for funding a floating debt of $250,000, which told a story of aldermanic incompetency; and from 1517 to 1541 to the Memphis and Little Rock Railroad Company, which was already absorbing the rents of the navy yard property, which Mayor Baugh privately

said he thought "the money could have been more judiciously expended in improving the streets and alleys of the city than making roads for any State, even Tennessee." The construction of this road was making very slow progress as the first forty-one miles of it were through a swamp, but the *Appeal*, in August, inspected the first five miles from a locomotive, and reported "a very fair prospect." This inspection was made with the new board of directors, composed of Sam. Tate, James Elder, R. C. Brinkley, H. B. Edmonson, and D. B. Turner. Besides the local railroads, which were a matter of pride and constant anxiety with the people who dealt very liberally with them, the Memphis and Little Rock especially, the newspapers were constant in their advocacy of a Pacific Railroad that should have Memphis for its initial point. The *Appeal* was particularly anxious that the Democratic party should have the *éclat* of initiating the work and carrying it forward to completion. But while Mr. Douglas and other Northern men of influence in the House and Senate were advocating, and the army engineers, who had made several surveys for a Pacific Railroad, were a unit as to a route along the thirty-fifth parallel as being the most available and advantageous, it was difficult to secure such a combination as was essential to its immediate construction, because of the ambition in the same direction of other cities on the Mississippi River. Besides, the war parties were growing fiercer every day, and the disposition of the members, even of the same party, to concede anything to the section they were opposed to, was becoming more marked. The North was drawing a tighter rein on the South to restrain her tendencies in the direction to which much of her energy had for years been directed — commercial independence. No one of the leaders of the South believed more thoroughly in establishing that independence than Isham G. Harris, who, in August, was elected governor, defeating the Know-nothing candidate, Robert Hatton, by a majority of 11,371, the total vote for him being 71,178 to 59,807 for Hatton, who was a personally popular man. Harris's majority was a heavy gain on Johnston's last majority, and indicated the growth of the public mind towards extreme Democracy. In Shelby county the Democratic gains were in proportion to those made by Harris in the State at large. W. T. Avery was elected to Congress from the district by an increased majority, his personal popularity in Memphis being a decided quantity in his favor. J. Knox Walker was elected to the Senate by the counties of Shelby and Fayette by a majority of 331; H. R. Bate was elected from the floating district, and Dunlap and King from Shelby as its representatives. The Legislature elected A. O. P. Nicholson to the United States Senate. These were all men of the decided States Rights views which the new governor gave expression to in his first Message, which clearly defined the limitations of the State and Federal government, and was as thoroughly and constitutionally Democratic upon the questions of Federal revenue, currency and popular education. All this was very gratifying to the *Appeal*, which was now far in

advance of the other papers and was leading the people in the direction of their interests and the interests of the South. It had never been so strong as now at any time in its history, nor had it ever been more useful to its section. It had just strengthened its staff by the employment of Mr. William Roselle as news and commercial editor, this step being made necessary by the rapid growth of the commerce of the city, which necessitated something more on the part of the newspapers than the mere record of its imports and exports and receipts of cotton. The Cincinnati *Enquirer* endorsed Mr. Roselle's qualifications "as an able writer," commended him as a "cultured gentleman," and bespoke for him "a generous reception at the hands of the citizens of Memphis, assuring them that intimacy of acquaintance with him can but strengthen their attachment and enhance their respect." The *Appeal* soon felt the strength of Mr. Roselle's influence, and its pages were enlarged to meet the popular demand. Other newspaper changes occurred about this time. Mr. John P. Pryor retired from the *Eagle and Enquirer*, the material of which was purchased by the Franklin Typographical Union, and Hutton, Galloway & Co. began the publication of the *Avalanche*, of which Colonel M. C. Galloway was the editor. The *Avalanche* represented the extreme States Rights wing of the Democratic party, and subsequently played an important part in the dreadful drama to which events were hurrying the country with impatient steps. Meanwhile the mimic drama was not forgotten. The new theatre on Jefferson street had been completed, and by the name of the Gaiety under the management of Mr. W. H. Crisp was opened on the 16th of October, with great *éclat*, by a gala performance by an English Opera Company, which was preceded by an address "written by a gentleman of this city." During the season Albertine appeared at the old house and Madame La Grange gave concerts at the Odd Fellows Hall, and later, on the 25th of December, Edwin Booth appeared in "The Robbers" at the Gaiety, which by that time had begun to monopolise the "theatrical business." But there was tragedy off as well as on the stage this year, so much of it that for the first time the people had organised to drive the gamblers forever from the town, and from Pedraza also — they assembled in their strength to deal summarily by one of that fraternity—Able—and to threaten a slave dealer—Bolton—with death from a lamp-post. The act that precipitated this folly was the murder of James McMillan by Isaac Bolton, on the 23d of May, at the slave depot of Bolton & Co. Bolton shot at his victim four times, wounding him twice, after which he gave himself up to Justice Richards, who released him on a bond of $12,000 to answer to the Criminal Court. The difficulty grew out of the sale of a free negro whom Bolton alleged McMillan sold him as a slave. The negro alleging and proving the facts of his condition before a court, received his freedom, and Bolton was compelled to refund the purchase money. McMillan, on the other hand, alleged that he acted in the matter as Bolton's

agent. McMillan dying, Bolton was re-arrested and lodged in jail. This fatal result and the murder of Everson by John Able at the same time incensed the citizens, whose patience had been sorely tried by the commission of many crimes, not one of which had been punished. A public meeting was called and held at the Exchange Building, to take steps for the better preservation of the peace, at which it was suggested that a vigilance committee should be organised. A formal resolution to that effect was in preparation, when, before action could be taken, a stranger, it was reported, from Mississippi, sprang to his feet and offered to lead one hundred men in taking John Abel from the jail, where he had been lodged, and hanging him to the first lamp-post. This offer operated on those present as a match would on tow. Every man in the throng that crowded the room rose to his feet, and with shouts of "Hang him," fled from the building and rushed to the jail near by on Front street, facing Exchange. In vain Mayor Baugh, who presided at the meeting, Alderman Hughes, Colonel Saffarans, and others appealed, out they poured, "a howling mob," fixed in their purpose of public vengeance. They were tired of the law's delays and the open defiance of the criminal classes. They forced the door of the jail and that of the cell of the unfortunate Able, and hurried him with a rope around his neck to the Navy Yard despite the tearful and frantic appeals of his mother, his wife, and sister, who clung to him in the midst of the surging and maddened crowd until the moment of his rescue by Bedford Forrest, then a well known negro trader, who, with the fearless courage always characteristic of him, pushed his way through the fierce mob whose yell of "Hang him," "Hang him," was not permitted to die away, so eager were they and intent upon a victim. Reaching to where Able stood with the halter about his neck, already thrown over a lamp post, he with one swift sweep cut the rope, and announcing his determination to rescue and deliver the prisoner to the keeping of the sheriff, he appealed for aid which was quickly at hand. The little band isolated in the midst of so turbulent a sea of passionate men took up its line of march, the poor kinswomen of Abel, bedraggled and unkempt, wailing their grief and anguish. Several times they were compelled to stop and buffet the tempestuous surge of the recurring waves of angry citizens now aroused to fury. But Forrest, tall and muscular, and fearless as a lion, stood above them all, the light of self-confidence in his face and animated by the sense of justice and the power of the supremacy of the law. At last the jail was reached and the prisoner was again securely lodged behind bolt and bar. But the mob was not thus to be baffled. A second attempt was made to take the jail and deal summary vengeance to the murderer, whose bearing throughout the whole ordeal was that of a brave and courageous man, who, protesting against the cruelty of the mob, was not afraid to die. But as they reached the door to force it a second time Forrest appeared on the step, revolver in hand, the incarnation of resolu-

tion. In a firm, clear voice he appealed to the people in vindication of the law, but declaring if they persisted that he would kill the first man who advanced. This had the desired effect. The ringleaders first quailed, then sullenly and slowly withdrew, muttering the vengeance they had failed to inflict. The courage of one fearless man thus saved Memphis from the responsibility and stigma of a great crime. But the excitement was not over. Bolton's case was a strong provocation to another terrible scene, another attempt at lynching, and the *Appeal* charged the *Eagle and Enquirer* with encouraging lynch law, and a desire for Bolton's death. Fearing this, but still more that justice and a fair trial could not be had, Bolton's lawyers — E. M. Yerger, Fred P. Stanton, E. W. M. King, and John Sale — four of the ablest members of the bar, made application for a writ of habeas corpus, which was granted by Judge Fitzgerald, of Tipton county. The attempted execution of this writ by Sheriff Felts was resisted by one hundred armed men whom he found in charge of the jail, the key of which was taken possession of by Mayor Baugh. The vigilance committee appointed a public meeting, resolved that Bolton should not be removed from the jail nor taken out of the city for any purpose whatever, and they sent a committee of their number to Judge Fitzgerald to request him to try the writ in Memphis. They had no wish for the death of Bolton by a mob, they merely desired to detain him here for trial. In proof of this in the course of a correspondence with the eminent counsel of the prisoner, the committee proposed 1, that the fiat of Judge Fitzgerald be recalled so far as it required the removal of Bolton to Huntingdon; 2, that the application for bail be heard before any judge in Tennessee who shall consent to sit upon the case; 3, that the adjudication in the case be submitted to and regarded as final by all parties. This of course the attorneys rejected. They could not treat with, or recognise the mob. They could not find the higher law in the books. Thus failing the committee appealed to the sheriff "to fail to execute the writ." This, as a sworn officer, he could not consent to. Pending his failure to execute the writ because of the armed men who held in possession the jail, Messrs. Yerger and Stanton, of Bolton's counsel, sued out another writ directed to Sheriff Felts and returnable before Judge Fitzgerald, at Paris, Henry county, on the third Sunday of September. A card published by all the newspapers, signed by a large number of the leading citizens, recommended "that the citizens of Memphis abstain from any interference with the execution of this writ of habeas corpus," which Judge Fitzgerald amended by making it returnable at Trenton, Gibson county, on the first Monday in October. This was still further amended by the judge making it returnable before Judge McPieman, one of the city judges, but was finally amended, making it returnable before Judge Fitzgerald himself, at Covington, Tipton county, on the first Monday in January. Just before Bolton's removal a number of tools were found in his cell, and those of two other prisoners. This occasioned a fresh

excitement and the detail of twenty-five men to guard the jail, from which late in December Bolton protested his innocence of any attempt at escape. His subsequent trial resulted in his acquittal as had that of John Able, who, on the 6th of November was declared by a jury to be "not guilty." This was a critical period in the history of Memphis. Many murders had been and were being committed. James P. Pollock shot a companion named Sladen, about a young lady; a man was shot at the fair grounds, another was murdered on Jefferson street, a young man named Tanner was assassinated, Dr. Gibbs killed a man named Keene, and R. M. Hoosley was murdered by Charles Wells, his nephew. For a time every week had its special sensation of murder, and the press complained that the statistics of crime were not reported from the jail. While this excitement, induced by the failure of the law to deal swiftly with crime, was in progress, uneasiness in commercial circles had grown to anxiety caused by the suspension of the Bank of Tennessee on the 16th of October, as a result of the commercial crisis then making its way slowly to every part of the Union. They were "ticklish times," and the history of them the *Appeal* said might be written in a few significant words: "Panic, suspension, stagnation, vexation, and botheration." The failure of the Ohio Life and Trust Company, and the banks and brokers connected with it was the immediate cause of first a stringency and afterwards a panic that brought ruin to thousands everywhere, and compelled the New York banks for their own safety to contract their currency, as much as $9,000,000 in one week, thus by shortening sail preparing to weather a very severe storm. All this occurred in a fall season of great promise, and when the country was in a prosperous and generally solvent condition. The crops everywhere were abundant. The South was especially rich, and in the West where speculation was heaviest there were very few failures. The staples that were the exportable values upon which the country relied for the maintenance of its balance of exchange with Europe were abundant and of high value, and there was a heavy reserve of specie which was being largely increased every year by shipments from California, averaging in the neighborhood of $40,000,000 each year since 1852.[1] Nevertheless there was a rapid decline in railroad stocks, and State stocks were reported in the eastern cities as fluctuating as much as eight per cent in a single week. Real estate also tumbled, and in a few days distrust was everywhere manifest. All forms of securities felt the force of depreciation except those of the Federal government, and these were promptly called in for payment by the government with a view to relieving the stringency by throwing $20,000,000 in gold upon the market. This call by the secretary of the treasury was the occasion of great exultation to the Democratic newspapers, which contrasted it with

[1] An English authority of the time estimated the production of gold in 1856 at $200,000,000 per annum; California, $65,000; Russia, $20,000,000; Australia, $100,000,000, and other parts of the world, $15,000,000.

the condition of things in 1837, when the money of the government was locked up in suspended banks in every part of the country and it could not afford the relief it desired.[1] But this action of the Federal government did not help Memphis where the brokers were quoting the currency of all the free banks outside the city at fifty per cent. discount, which the *Appeal* said, "according to their system of quoting" brought it from fifty-five to fifty-seven below gold. Gold, according to the ruling of these gentlemen, was not par, but worth from five to seven per cent. premium over the best banks. The *Appeal* of October 11 also observed that some of the brokers were offering to buy some of the best specie-paying bank notes in the South at twenty per cent. discount, as, for example, the currency of the North Carolina banks, which pay specie at their counters. "We must suppose," says the *Appeal*, "that either they have not got much money to invest in that way, and therefore do not wish North Carolina money offered to them at any price, or else they presume very largely upon the ignorance or necessities of the people.

[1] The Philadelphia *Press* of October 1, 1857, instituted a contrast between the two periods (1837 and 1857) that is worthy of preservation. It said: "When the revulsion of 1837 took place it extended from the people to the Federal government. The money of the people had been confided to certain State banks, and when an attempt was made to remove it to others, or to transfer it to the States themselves, under the distribution act, the State banks could not comply with the demands of the government. The temptation which the vast funds of the Federal revenue offered to the banks was too great to be resisted; and when the reaction came, and these funds were needed for the ordinary operations of the government, and for other purposes, the banks could not comply without curtailing their discounts and calling in their debts; and when they did this it greatly added to the general distress among the merchants, mechanics and manufacturers, and precipitated the catastrophe which fell upon the whole Union. Happily for the country we were in a condition of profound peace when these events transpired. Had we been in a state of war with a foreign power inconceivable distress and dishonor must have resulted. *The funds kept as a sacred deposit for just such emergencies would not have been forthcoming.* They had been used by the banks to feed the fuel of private speculation—to pamper favorites—to erect palaces—and to carry forward projects of a doubtful character, or had passed into the several State treasuries to form the basis of other operations only less disastrous. Thus was the general government involved in the calamity that attacked individuals and States. The suffering was universal. But now the prostrate mechanic or merchant can look up from his gloom and see at least one bright star in the dark sky overhead. In this hour of his despondency he need not despair. *The Federal government is not involved in the catastrophe.* The millions of the people's money have not been thrown into the cauldron of speculation to feed the fever of unhealthy and sudden gain and to add to the consuming revulsion in the money market. Had this not been so, who can count the calamities that would have befallen us? Who can tell where the mad torrent of expanded and expanding credit would have carried us? This is the great difference between the panic of 1837 and 1857. It constitutes one of the hopes of the hour. It speaks of a wholesome treasury; of the proud and stainless reputation we bear before the nations; of the security of those citizens whose means are invested in the stocks of the United States; and it shows to all men, and convinces all men who care to think on the subject, that the policy of the independent treasury is not only best for us in times of war, but is the true conservator and safeguard of the people in time of peace."

Our quotations are more liberal than this, only putting down North Carolina currency at five per cent. below Tennessee par funds, which are themselves quoted at five per cent. below gold. Even at this, a man may realize an overgrown fortune in a few months, for North Carolina bank notes are 'good as gold' at their counters, and less than one per cent. will ship the gold to this point." These extortionate gains the over-sanguine *Appeal* thought would run the panic out very soon, but there were many months of it yet to come, months that were to try the patience of that sterling old advocate of the rights of the people. Things growing very much worse in a few days, Memphis had recourse to its usual town meeting with a view to concert some measures of relief or of aid or comfort. This meeting was held on the 17th of October, and resulted in the appointment of a mercantile committee to report resolutions for its consideration. This was done and they reported the following resolutions which were adopted with but one dissenting voice:

WHEREAS, a great financial crisis is upon the country, we, the citizens of Memphis, believing that no permanent relief could have been afforded without a general suspension of the banks; and, whereas, we have just been informed of the suspension of the principal banks of this State: Therefore be it

1. *Resolved*, That we fully and cordially approve of the suspension of the State, Union and Planters' Banks.

2. *Resolved*, That we request our senators and members in the House of Representatives in the Legislature, now in session at Nashville, to use their influence in affording legislative relief to any or all the banks that have or may suspend during the present monetary crisis.

3. *Resolved*, That we have full and entire confidence in the Banks of Tennessee, and that all their circulation is and will be good,

4. *Resolved*, That in our judgment, so far as the Southern States are concerned, they are in a sound and healthy condition, and that this pressure has been brought on us by our intimate connection with, and dependence upon the Northern and Eastern cities.

Another resolution offered by Colonel J. P. Pryor was adopted, by which the chairman, Mr. J. H. A. Lownes, was authorized to appoint a committee of merchants, whose duty it should be to prepare and publish from day to day in the newspapers of the city a corrected list of the solvent banks of this and other States, whose notes they are willing to take, and will recommend to be taken in all the ordinary transactions of this city. The committee thus authorized was appointed and comprised the following named gentlemen: J. H. A. Lownes, chairman; F. Laine, Jesse M. Tate, A. H. Douglass, S. W. Jefferson, A. J. Montgomery, E. Barinds, C. C. Cleaves, S. Mansfield, J. J. Murphy, B. Graham, W. B. Miller, S. Watson, R. A. Parker, J. J. Worsham, J. McCombs, I. N. Henkel, S. B. Williamson, J. L. Saffarrans, A. Street, J. P. Pryor, B. F. Dill, J. H. McMahon, J. D. Williams and N. S. Bruce. On the 18th this committee met at the Commercial Hotel and recommended that the notes of the following stock and free banks and branches of Tennessee be received at par:

STOCK BANKS.

Union Bank.
Bank of Tennessee.
Bank of Chattanooga.
Bank of West Tennessee, Memphis.
Planters' Bank.
Bank of America.
Citizens' Bank, of Memphis and Nashville.

FREE BANKS.

Bank of Memphis.
Southern Bank of Tennessee.
Bank of Commerce, Nashville.
Traders' Bank, Nashville.
Bank of the Union, Nashville.
Bank of Middle Tennesse, Lebanon.
Northern Bank of Tennessee, Clarksville.
Commercial Bank of Memphis.
River Bank of Memphis.
City Bank, Nashville.
Merchants' Bank, Nashville.
Bank of Paris.
Farmers' Bank of Tennessee, Knoxville.

ALABAMA.

Northern Bank of Alabama, Huntsville.

A sub-committee was also appointed at this meeting of the committee to report to its next meeting the names of all the solvent banks in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Missouri and Kentucky. But before such a report could be made the free banks of the city, the Commercial Bank of Tennessee, the Southern Bank of Tennessee, the River Bank of Tennessee, the Bank of Memphis and the Bank of West Tennessee, "to relieve the business community agreed, and by published notice stated they would receive on deposit and in payment of collections, the notes of the following named banks, reserving the right to pay all checks in any of said currency at our option," but they refused to take the notes under denomination of five dollars of any other than the Bank of Tennessee, and those protected and payable at Memphis:

All banks payable in Memphis,
Bank of Chattanooga,
Bank of America,
Citizens' Bank,
Union Bank,
Planters' Bank,
State Bank,
Northern Bank,
Traders' Bank,
City Bank,
Merchants' Bank,
Buck's Bank,
Bank of the Union,
Bank of Middle Tennessee,
Bank of Commerce,
Mississippi Mutual Insurance Company.
All Kentucky Banks,
All Missouri Banks,
All Louisiana Banks,
All South Carolina Banks,
State Bank of Ohio,
State Bank of Indiana,
Northern Bank of Alabama,
Southern Bank of Alabama.
Bank of Mobile,
Bank of Empire State, Ga.,
Commercial Bank Brunswick, Georgia,
All Augusta Banks,
All Savannah Banks except the Mechanics',
Savings Bank,
Bank of Paris,

But this proved to be only a temporary panacea. A day or two after the publication of this list by the banks, the *Appeal* reported an increasing demand for gold and silver, for which the banks were asking ten per cent. premium

"There is," says that paper, "a tendency towards converting all bank paper into specie. The uncertainty of bank paper has increased this demand of late, and nothing will satisfy it but legislative enactments which will really make all currency equal to specie. Expedients will not mend the matter. The Legislature must strike at the root of the evil at once, and reduce all currency actually to the specie standard." On the 10th of November this paper was even more peremptory. Reporting "a general and simultaneous expression from all quarters of a better prospect ahead, and the probability that the money panic has well nigh expended itself," it suggested that the city banks, in view of this favorable intelligence, "put themselves in trim" for an early resumption of specie payments. They have no right to remain in a suspended state an hour longer than the restoration of public confidence, which will render it safe on their part to resume payments. It can be demonstrated that a suspension on their part brings large profits to them, while the community correspondingly suffers from the handling of their depreciated paper, the high rates of exchange, etc. Public sentiment should therefore demand that they resume payments at as early a day as they may do so with safety to the commercial interests of the country. This the *Appeal* thought should be in the spring, perhaps sooner, and before the Eastern banks, because the banks of New Orleans, South Carolina and Kentucky were "manfully sustaining themselves in paying coin." All the people had to do, it argued on the 13th, was to agree that the crisis had passed, and they would at once be relieved from the hardships it had imposed upon them, and all would come out wiser and better for the visit it had paid. "It has given a wholesome check to extravagance and wild speculation, and if we will profit by the lesson, we may never have cause to regret the monetary crisis of 1857." This had no effect upon the banks. They were making money by the crisis and could not afford to close it. As the *Appeal* explained, they were "buying bills on New Orleans at three-fourths per cent. premium. These bills mature in thirty days, and are payable in coin or specie-paying bank notes. Their own notes are ten per cent. below gold. It will be seen from this simple statement that they are realising immense profits on their transactions. They convert these bills into New York exchange. But do they relieve the burden upon our merchants who need their exchange? Under this profitable system of doing business they ought to be able to sell exchange, both on New York and New Orleans, at a very moderate premium, and then realise immense profits. But do they relieve exchanges or do they realise all the profits for themselves? We are credibly informed that they sell the greater portion of their exchange at Nashville—exchange which is made here and legitimately belongs here. If this is so, our merchants and planters (in consequence) are suffering now an immense loss by the suspension, which they ought, in justice to themselves, demand to be remedied immediately, or as soon as practicable. The true remedy is to re-

quire our banks here to pay coin at their counters. Our community ought to be satisfied with nothing less. It will give the banks more credit, increase the advantages of this point as a cotton market, and fully develop all the natural and artificial advantages of our city. More than this, it will offer to the planter a sound currency for his produce, which will attract him hither to sell and to buy." But there was a glimmer of light in this dark cloud. Railroad Commissioner R. G. Payne reported that the railroad companies of the State, notwithstanding the bank panic and hard times, would meet their January interest promptly, "a fact that under all the circumstances of difficulty and embarrassment surrounding our railroads, is the best possible proof of not only their solvency but prosperity. There was great comfort in this fact, but it only had the effect of making the press more clamorous for a return to specie payments, and it bitterly opposed the passage of a bill then before the Legislature, legalising the suspension and continuing it until January, 1859. It called attention to the fact that the New York and New England, except the Rhode Island banks, had resumed specie payments in less than sixty days from the time of their suspension, that gold was abundant in New York, and that exchange on New York may be had, in most of the Southwestern cities, at the usual rates. The banks of the South, generally, and especially of Tennessee, while loudly vaunting their ability to pay all their liabilities, proclaimed as the cause of their suspension of specie payments the suspension of the Eastern and Northern banks and the extraordinary demand for coin throughout the United States. These causes removed why should not specie payments be resumed? The banks in New York, New England and New Orleans have resumed specie payments. The banks in New York are fortified with $26,000,000 in coin. Those in Boston have $6,500,000. The New Orleans banks are impregnable. The cause for the suspension of the Memphis Banks had then ceased." But it was no use, there was too much money for the banks in suspension of specie payments, and they could not give it up. The close of the year found them in that condition. All appeals were lost upon them, and the expression of the press had no effect.[1] In November the anxieties of Memphis were greatly in-

Appeal, 5th December, 1857: For every day the banks of Tennessee remain in a suspended condition, says the Gallatin *Examiner*, they are making six per cent. out of the people who hold their notes. Any one who will take the trouble to make an aggregate of their circulation, and estimate the interest upon it, can soon work it out, and as we find the same point ciphered out by the Richmond *Examiner*, in reference to the Virginia banks, it will illustrate how our banks have their fingers in the eyes of the people. The *Examiner* speaks thus of the subject:

"The effect of suspension, legalized, is plainly to allow the banks a bonus, beyond all doubt, from the public of the interest on the notes they keep in circulation during the period of suspension. They pay out those notes to the persons whose negotiable paper they discount for interest, for their own notes, although charging full interest on the negotiable notes of their customers, for which they exchange their own. Now, the Virginia banks remained in a state of suspension from May, 1837, to November, 1842, a period of five years and a half. Their

creased by the news that General Walker had met with a decided defeat; that he and his men were compelled to surrender to Commander Paulding, U. S. N., and were taken to New York. President Buchanan refused to interfere in Walker's case, and declined to recognise him as a prisoner, on the ground of the illegality of his arrest on foreign soil. So he was set at large and returned to his home at Nashville, where he received an enthusiastic welcome in which all the Memphis papers joined. He had been singularly successful in 1856, and might have made a permanent lodgment in Nicaragua, but he invited a war with Costa Rica, which was quickly suspended by an outbreak of cholera in both armies, compelling them to withdraw. Restless and domineering, he carried matters further by breaking up the inter-oceanic route, and confiscating the property and revoking the charter of the Vanderbilt Steamship Company. He followed this capricious and despotic act by becoming presi-

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suspension was legalised by express and repeated acts. They, therefore, made a profit on the circulation they kept out during the period, of six per cent. on the average amount per annum. That circulation was officially reported as follows, for each of the years of suspension—(we annex to each year's circulation its equivalent interest for the year at six per cent.):

1838—Circulation,	$7,086,276	
Interest,		$422,176
1839—Circulation,	8,089,493	
Interest,		485,369
1840—Circulation,	6,707,701	
Interest,		402,462
1841—Circulation,	7,722,483	
Interest,		463,344
1842—Circulation,	7,753,300	
Interest,		465,198

"Grand total for the five years, $2,241,549, which all must agree was a pretty handsome handful of money to be legislated into the strong boxes of three or four rich corporations. Two millions and a quarter!"

If we are correctly informed on the subject, our banks here in Tennessee, and especially in Memphis, are doing a much more thriving business than is shown in the exhibit above. For instance, they are purchasing thirty day bills on New Orleans, from the face of which three quarters of one per cent. is taken off for interest for the thirty days. This is equal to nine per cent. per annum for interest. These bills are all payable in New Orleans, in specie funds, converted either into gold and silver or Eastern exchange, brought back to Tennessee and sold at from six to nine per cent. By this simple operation it will be seen that our banks are now making at least from five to six per cent. per month on every transaction. We should have no objection to the banks making these handsome profits, were it not for the fact that the great body of the people have to bear the burden. The notes of these banks, while in a state of suspension, are at a ruinous rate of discount at every point of the compass. At New Orleans, St. Louis, Louisville and Cincinnati, to say nothing of the Eastern cities, where they will not go at all—they cannot be got off at less than five per cent. discount. Every one can see at a glance, that this is a serious clog to trade and commerce. It is more than the trader or merchant can bear, and, of course, he adds this discount to the cost of his merchandise, and it is the consumer who pays it in the end. And yet this is the state of things we are called on to legalise and perpetuate until the first of January, 1859.

dent of the State, being elected in June. In September, by a decree he annulled the existing prohibition of slavery. Of such an arbitrary nature were many of his acts that a domestic revolution was excited. This was an opportunity that the surrounding States, long jealous of Walker's advances, had been waiting for. A series of battles were fought, and on May 1, 1857, Walker delivered himself up to Commander C. H. Davis, of the United States sloop-of-war *St. Mary*, by which he was conveyed to Panama, and thence to New Orleans, where he was put under bonds to keep the peace. Somehow or other he managed to escape the surveillance of the government, and in November was again in Nicaragua with a band of one hundred and thirty-two men. But failed again as above stated. Destiny seemed to be against him. Among the incidents and agitations of the year that are worthy of record were, the reappointment of Colonel W. H. Carroll to be postmaster; a dinner given to Senator Jones by his friends, on the evening of that day, at the Commercial Hotel, on the expiration of his term of office; the passage of a resolution, on the same day, by the Board of Mayor and Aldermen to put an iron fence around Court Square at a cost of $10,000; the founding on the 12th of the Society of "Old Folks at Home," of which no person could be a member who was not a resident of the county in 1837, and a man of good character and standing in society; death of Samuel O. Ballard, collector of the port on the 20th; appointment of H. T. Hulbert on the 25th to fill the vacant place; death of Thomas B. Carroll mayor, on the 27th; election of alderman A. H. Douglass, on the 29th, to take his place. In May, James Elder declined the nomination for mayor. In June, on the 28th, the Rev. George Schetky was invited to take charge of Grace Church, the congregation of which parish then worshipped in the upper story of the building on the southeast corner of Main and Union streets. In July the Independent Grays organised on the 10th; on the 17th the Bluff City Cadets, and on the 19th the Chickasaw Blues; the troubles in Kansas had rearoused the military spirit of the town; death of William Ruffin on the 22d, and appointment of delegates to the Knoxville Commercial Convention. In August: Completion of a telegraph line by H. A. Montgomery, from Memphis to Tuscumbia; visit of M. B. Webb, of Charleston, with a view to the establishment of a dry dock and boat building yard; completion on the 29th of the new Gayoso Hotel which the *Appeal* pronounced to be a beautiful and stupendous monument to the public spirit, energy and liberality of Robertson Topp. In September: The *Appeal* first agitates the building of a custom house by the Federal government, and the building of water works; on the 26th speech by the Honorable H. S. Foote, of California, formerly governor of Mississippi, sustaining the policy of the Buchanan administration in Kansas, as enforced by Governor Robert J. Walker, and Secretary Fred P. Stanton, formerly member of Congress, from Memphis; death of Colonel E. W. Kenney, one of the oldest and most highly respected citizens; on the 29th,

first anniversary dinner of the German Gymnastic Society. In October, on the 4th, appointment of P. C. Bethell, president, and J. M. Williamson, cashier, of the bank of West Tennessee; appointment on the 10th of John Carmack to be one of the directors on the part of the State, in the Memphis and Charleston Railroad; rejoicing on the same day over the election of Governer Andrew Johnson to the United States Senate; on the 21st, opening of the Shelby County Fair under most brilliant auspices, and with an exhibition in the highest degree creditable to the farmers. In December the brewing trouble in Utah, where the Mormons threatened rebellion, and the publication by the *Appeal* of a letter by a correspondent of the Louisville Presbyterian *Herald*, in which he described Memphis as "A flourishing city of 20,000 or 30,000 inhabitants; is well laid out, and resembles Louisville, somewhat, as seen from the river, but less so as examined in its streets and buildings. It is adorned by a park in the very heart of the city, surrounded by a handsome iron fence, planted with noble forest trees, and tastefully laid out. Can any other Western city boast of such an ornament? The city has enjoyed a rapid growth, and is destined to be one of the greatest towns of the Southwest. The railroads now finished, or in the hands of contractors, will bring it within a few hours—say from twelve to forty-eight—of Little Rock, St. Louis, New Orleans, Charleston, Richmond and Washington. Its commercial advantages may be estimated by the single fact that one railroad brought to its shippers more than one hundred thousand bales of cotton in sixteen months, ending with July last; and to this must be added an amount still greater, perhaps, brought in by other channels. I inquired for the Navy Yard, but ascertained that the general government, after having spent a million or two of hard money on the enterprise, found itself in the predicament of the man who drew the elephant in the raffle—he did not know what to do with his prize. The government at Washington solved the problem very cleverly by making a present of the whole concern, buildings, machinery, big guns and all to the city. The buildings are appropriated to useful purposes, and some of the guns are safely planted in the mud on the edge of the bluff."

X.

IN 1858 the Adams Express Company opened offices for business and established agencies in all the surrounding towns that could be reached by river or rail; the congregation, Children of Israel, dedicated their temple on the corner of Main and Exchange streets, to the worship of God, the Rev. Dr. Wise of Cincinnati, officiating; and the public schools were incorporated and placed in charge of a board of school visitors who were authorised to levy a tax for school purposes not to exceed a ratio of ten dollars for every youth between the ages of eight and sixteen years. The suspension of specie payment was still, at the opening of the year, the most aggravating of subjects dividing the

public interest with the war in Kansas, where the Lecompton constitution was voted down and another constitution had been adopted by a convention which met at Leavenworth in March, and which was rejected by the Senate because the territory had not the requisite population. In February, while the free-State boomers and their pro-slavery antagonists were thus contending for supremacy in the battle-field of the sections the Legislature of Tennessee after several weeks of debating and amending passed a bill "to enforce the resumption of specie payments by the suspended banks to offer for their acceptance certain amendments to their charters and for other purposes." By this time the banks were instructed to resume specie payments on or before November of this year, "and from and after the first day of July, no such bank in this State shall issue, emit, pay out, or circulate, any note of a less denomination than five dollars; and from and after the first day of January, 1859, no note of a less denomination than ten dollars; and from and after the passage of this act, no bank, agent, person, or corporation, licensed or chartered to do a banking or brokerage business in this State, shall be permitted to pay out, for circulation, the note of any corporation or association of individuals, which has not been chartered by the State of Tennessee; a violation of this provision shall be a misdemeanor, and any person, as aforesaid, or corporation, convicted thereof, shall be fined not less than five hundred dollars, and not more than two thousand dollars; nor shall any bank pay out the notes of any bank charerted by this State, except its own or branches, and those only as provided in the seventh section of this act; and no bank in this State shall, directly or indirectly, sell or dispose of gold or silver or sell or dispose of the notes of any bank whatever, for any premium or discount whatever; and it is hereby expressly declared, that the traffic or trade in the legal currency, or in uncurrent bank notes, is not a privilege intended to be, or is granted to the banks by their charters. No bank in this State shall pay over any dividends or profits to any stockholders or owners of stock, during the time of its suspension of specie payments, except the profits arising from the Bank of Tennessee, or the dividends to which the State is entitled from the stock owned by it in the Union and Planters' Banks, which are to be paid to the State, as directed by existing laws. No bank shall hereafter pay interest, or any consideration whatever, for money of any kind, deposited with them, whether such money be in gold or silver, bank notes, or paper currency of any kind. No bank in this State, while suspended, or failing to redeem its notes in gold and silver, shall be permitted, by itself, its officers, or agents, to sell exchange upon any place in the United States for a higher premium than two per cent." The banks were required to file their acceptance of these provisions with the comptroller within thirty days after the passage of the act, and those failing to do so were to have their charters forfeited by proceedings in the name of the State before the judge of the circuit in which the bank was located and doing business, and the charters of banks

accepting but failing to carry out the stipulations were in like manner to be forfeited and all contracts made by them after such failure was declared null and void. Other severe penalties followed, and the act of February, 1852, was repealed so far as to prohibit the establishment of any more banks by virtue of it, and so far as to prohibit the banks established under it from increasing their capital; the banks were to make quarterly reports under oath as to their business and condition; and the Bank of Tennessee[1] was to equalize its capital among its branches; that no bank or branch bank in Tennessee shall issue,

[1] What this bank was and had been to the State may be gathered from the following tables from the report of Cave Johnson, the president, made to the Legislature in October of 1857, showing the loans and discounts of the parent bank and branches, with the amount of specie and circulation, and the net profits, from July, 1852, to the first of July, 1857:

Table showing loans and discounts of the Bank of Tennessee and branches, with amounts of specie and circulation, from 1st July, 1853, to 1st July, 1857:

	Loans and Disc'ts.	Specie.	Circulation.
July 1st, 1853	$4,124,963 05	$1,009,131 47	$2,351,221 00
Jan. 1st, 1854	4,711,007 90	910,277 75	2,665,969 00
July 1st, 1854	4,500,578 75	1,182,697 75	2,471,836 00
Jan. 1st, 1855	4,955,309 15	629,848 35	1,896,873 00
July 1st, 1855	4,004,023 50	945,224 08	1,295,432 00
Jan. 1st, 1856	4,425,771 21	717,786 98	1,578,219 00
July 1st, 1856	3,802,650 72	971,207 02	1,327,422 00
Jan. 1st, 1857	4,805,476 68	798,936 53	1,565,876 00
July 1st, 1857	4,507,520 32	1,029,971 61	1,518,469 00

Net profits of the Bank of Tennessee and branches from the 1st of July, 1852, to 1st July, 1857:

From 1st July 1838 to 1st July 1839	$ 64,109 48
" 1st July 1839 to 1st July 1840	144,735 39
" 1st July 1840 to 1st July 1841	168,558 43
" 1st July 1841 to 1st July 1842	152,654 67
" 1st July 1842 to 1st July 1843	134,897 30
" 1st July 1843 to 1st July 1844	208,584 01
" 1st July 1844 to 1st July 1845	114,665 38
" 1st July 1845 to 1st July 1846	174,851 76
" 1st July 1846 to 1st July 1847	171,157 17
" 1st July 1847 to 1st July 1848	155,366 97
" 1st July 1848 to 1st July 1849	149,209 96
" 1st July 1849 to 1st July 1850	193,146 99
" 1st July 1850 to 1st July 1851	223,652 19
" 1st July 1851 to 1st July 1852	192,852 90
" 1st July 1852 to 1st July 1853	187,913 14
" 1st July 1853 to 1st July 1854	244,797 90
" 1st July 1854 to 1st July 1855	225,847 70
" 1st July 1855 to 1st July 1856*	279,888 89
" 1st July 1856 to 1st July 1857*	294,612 24
" 1st July 1855 to 1st July 1856	324,748 59
" 1st July 1856 to 1st July 1857	395,877 34

* The statement of profits for the years 1855-56 and 1856-57 refers merely to the profits on the *active capital*. By adding the dividends received from the Union and Planters' Banks for those years, the profits appear.

emit, or pay out any bank note not on its face payable upon demand at the counter where issued, emitted, or paid out. But no such bank or branch bank in this State shall be under legal obligation to comply with the foregoing provisions of this section, until the first day of September, 1859, from and after which time they shall strictly conform thereto. *Provided*, that nothing herein contained shall be so construed as to prevent any parent bank from signing, filling up and registering notes intended for circulation, and payable at their branches, to whom said notes may be remitted for circulation; that nothing in this act shall repeal, or is intended to repeal, or affect the rights of the note-holders, or depositing creditors of banks, as they now are by existing laws." The *Appeal* regretting the postponement of resumption by the Legislature continued its appeals to the banks, declaring that "the commercial interests of the State at large, and of Memphis particularly, must suffer greatly as long as this state of things continues to exist. Planters will seek other markets to dispose of their produce, where the funds they receive are equal to an approximate par value with gold." But opposite to this vexing legislation the *Appeal* placed the general financial policy of the Legislature which had summarily stopped the extension of the State's credit, but reduced its prospective indebtedness to the extent of $5,000,000, authorised by previous legislation. "This," says the *Appeal*, "is an honorable redemption of the pledges of the Democratic party in the late canvass, and will undoubtedly be placed to its credit by the people. It should be remembered, too, that the Legislature refused to extend the State credit to the amount of $1,200,000 for the increase of the capital of the Bank of Tennessee. The effect of this movement upon Tennessee stocks has already begun to be felt at the great central stock market of the Union—the city of New York. The *Herald* of the 28th inst., remarks in its financial column that: 'The Legislature of Tennessee has peremptorily refused to allow any increase of the State debt for banking. This course will be cordially endorsed by the people, and do much towards sustaining the credit of the State.'" Thus it will be seen that the benefits resulting from the Democratic policy are not merely speculative—they are seen and felt on 'Change and in sustaining our public credit abroad as well as at home. Bolton who was still in custody for the murder of James McMillan was in January brought back to Memphis from Tipton county to await his trial, which took place in April and resulted in his acquittal. There was a strong array of council on both sides. J. L. Harris, John T. Sale, then attorney-general, ex-governor Henry S. Foote, Robert C. Payne and Henry D. Small were for the prosecution; and Judge E. W. M. King, J. K. Walker, R. H. Stanton, E. M. Yerger, John C. Farrington, William T. Brown and P. B. Glenn for the defense. The citizens of Tipton were not satisfied with the verdict, and on the 7th of May at a public meeting they so expressed themselves in a series of resolutions which they adopted, there being only two dissenting voices, and these were of two citizens who had

served on the jury. They denounced the verdict as "contrary to our expectations and in violation, as we conceived, of law, morality and virtue." Not satisfied with this, true bills were found against one Archer, one of the Bolton urymen, who was arrested and lodged in jail, and one Phillips, another juror, who was at the time of the trial out of jail on bail, charged with manslaughter, was surrendered by his bail, and was imprisoned on a charge of corruption, and of selling the verdict. No similar event in the history of Memphis had occasioned so much public indignation as this miscarriage of justice, and the people of Shelby as well as Tipton were prepared to go to any length, in punishment of the jurors held to be responsible for it. But nothing ever came of it. The law's delays were intervened for the sake of the prisoners, who, when the white heat of public feeling had died out, were released. Another trial that attracted a great deal of public attention about this time was that of Colonel W. R. Hunt, for the killing of Thomas Mull, which dragged along for nearly a year, a verdict of acquittal not being reached until the 10th of February. This verdict was in accordance with the public judgment, which declared Colonel Hunt to have been justified, and the killing to have been strictly a matter of self-defence. Turning from this general and generous defence of a good citizen we find the newspapers discussing the condition of the streets, which, owing to a heavy and an increasing trade, were in March, in an almost impassable condition. On Main street the gravel that had been laid at great expense two years before, had disappeared; it had been plowed under by the wheels of the drays and wagons, and at the corner of Monroe street, and also of Madison, where traffic was heaviest, teams were frequently inextricably stalled so that the drivers were compelled to employ other drays to take away one bale of cotton at a time. This was a tax on cotton too heavy to be borne by a people brought into direct competition with New Orleans with its ample and complete facilities for "handling the staple," hence the discussion in the newspapers, which in March elicited the fact that granite boulders laid in cement was the only durable and satisfactory pavement for a city, especially one with so heavy a traffic as that which Memphis enjoyed. Some of the citizens had gone so far in the matter as to invite the presence of Colonel Thomas J. Peters, city engineer of Cincinnati, who contended for the boulders, which he thought might be put down for $3.25 per square yard. General Pilcher, of Louisville, who had also been consulted, recommended a macadam pavement of limestone and gravel. This discussion finally induced a call for a public meeting at which, on the 20th of February, it was renewed, Colonel Dupre advocating a cedar block pavement, and Dr. Shanks, pine, well screened gravel free from loam or dirt, and a resolution by him in favor of the use of such gravel was adopted, and this in face of the already costly experience of the city with gravel which the *Appeal* said had disappeared everywhere under two feet of the mud that was impeding and thus injuring the commerce of the city.

On the 23, three days after this meeting the *Appeal* described "a boy caught fast in the mire at the corner of Monroe and Main streets, a darky succeeding after an hour in pulling him from his position in a bed of gravel." The *Appeal* wishes some old fogy gravel advocates had been there instead of him. "They might have whistled long for help before we would have sent to help them from their own pit of destruction. It is a profound fact that Memphis has just reached the age of gravel! Sleep on venerable Rip Van Winkle! No rattling of vehicles over solid pavements shall disturb thy slumbers. Thou shalt snooze in undisturbed tranquillity with ooze, mud and pure gravel for the bed of thy sleepy hollow." But in spite of these facts, all of them against its use, and in spite of the sensible and persistent protests of the press, gravel was adopted by the board of mayor and aldermen, who on the 11th of September were the guests of Mr. Greenland who took them down to the islands below the city to see how the gravel was obtained by dredging. A collation was of course prepared, at which toasts were indulged, the first reported being "the mayor and aldermen who work for curses instead of pay." The next was "the gravel roads and the railroads, may they approach as close as lovers lips." This, which was considered to be very felicitious, the *Appeal* told its readers was in allusion to the desire to have the bayou gravelled up to the Charleston depot. The next toast was "Greenlaw's roads, may they be roads to wealth," and they were, not however to the city, which, with the aid of the board of mayor and aldermen who drank to these toasts, was piling up a public debt, that in time to come was to bring almost ruin to the city. It was a singularly constituted body, and in its work proceeded upon methods that nowhere else in the world would ever at that time, have been tolerated. Its sessions consumed hours upon hours, the longest discussions being upon the subjects that were of the least importance. Some of the members were garrulous to an extent that would shame the traditional old woman, and these not only consumed the time, but often compelled obdience by the rest to their dicta, and in some cases frightened good men into resigning. The citizen of to-day can imagine nothing so unprofitable as wading through the dreary waste of words, that by columns found their way into the public press under the heading of "the proceedings of the board of mayor and aldermen." Meeting after meeting it was all the same, and crowning folly of it all, the members themselves were so lost in the labyrinth that they knew nothing of the receipts or expenditures of the city, and went on blindly appropriating money and consenting to contracts with the recklessness and indifference of ignorance to consequences. It is imposible to read these reports without a feeling of shame — they are often so strange a commingling of silliness with a blindness as to consequences. For instance, at one of the meetings of the board, in January, the finance committee reported against the building of a new engine house for Fire Company No. 6, "because of the present condition of the

finances," which was agreed to, and yet immediately after it was disposed of they offered another report in favor of paying the city attorney $1,500 extra for attending to the ordinary business of his office, and Colonel Dupre was allowed $1,000 for revising the city ordinances, which was clearly the work of the city attorney. The bread ordinance, the tippling ordinance, and an ordinance regulating bawdy houses, were the principal topics with the board during the year, and on these, to use the language of a correspondent of the *Appeal*, "they backed and filled" so much and so often that it was impossible even for the members themselves to tell when or how they disposed of these questions. The bread ordinance they were compelled to repeal because it was unconstitutional, and Mayor Baugh vetoed the tippling ordinance on the 23d of January, because, as he said, it made tippling establishments "drinking saloons with oyster privileges until nine o'clock at night, and oyster saloons with drinking privileges the balance of the night." On the 28th the ordinance was again taken up, and upon motion of Alderman Hughes was amended so that "all oyster saloons, where oysters and other refreshments were disposed of in connection with a tippling house, be and is hereby declared a portion and part of the tippling house adjoining, and shall be subjected to the same penalties and rules as said houses." This was adopted, and it was hoped was a finality of the subject, but at a meeting on the 4th of February Alderman Finnie moved to reconsider and offered an amendment striking out the word "adjoining," so as to allow oyster saloons and restaurants to be kept on premises where there were liquor bars, when the bar is separate from the restaurant or oyster saloon. To this Alderman Hughes offered an amendment, protesting at the same time against "tinkering up" the ordinance, before it had been tried: "That all the laws, etc., by which the liquor sellers of this city are inconvenienced, be and the same are hereby repealed; that the Bill of Rights makes it the privilege of every man to pursue happiness and to have the right to dispose of his property as he may please—and the restrictions on trade, placed by the corporation in the tippling laws, are absurd and slavish, and should not be subscribed to by freemen." Alderman Hughes declared he liked liquor and could drink it in a groggery, or behind a tree, or out of a little pocket pistol as he did when he went to Arkansas. Still he should vote either to abrogate all tippling laws, or to keep the present law as it was. If with it liquor sellers (many of whom had built palaces out of the destruction of their fellow-creatures) could not make a living, he was ready to sell them forty or eighty acres of land in Arkansas on credit, so as to give them an opportunity of making a living in a better way than dealing damnation to their brother men by the pint. The amendment was lost. A debate on the ordinance as then amended followed, but at the end the liquor law remained as it was originally reported by the committee. On the 5th of May a communication from Colonel Sam. Tate, president of the Memphis and Charleston Railroad, was received

by the board, enclosing a copy of the resolutions of the board of directors of that road, petitioning for the right of way for the extension of their road from the depot on Charleston avenue to the river, or near it, by the bayou to the depot grounds of the Memphis and Louisville Railroad, and thence to the navy yard, or to Centre Landing. This, with a resolution in favor, was referred to the vigilance committee and was finally adopted, but in obedience to the demands of the people who adopted resolutions to that effect, Mayor Baugh vetoed the resolution on the 1st of June, at a meeting of the board, whereat was read and discussed a communication of Colonel Tate withdrawing the petition of the railroad company. At this meeting City Attorney Bankhead reported in regard to the navy yard property, that the rent collected from lots then occupied by tenants amounted to $10,736.08, and that eighteen valuable lots remained to be disposed of, for which $7,090 had been offered by parties who had failed to close their contracts. But a greater amount he thought could be obtained for them, and with the taxes assessed on all the lots the income of the city might be brought up to $20,426 from this source. This was a pitiful sum for the rent and taxes of property that had cost the Federal government more than $1,250,000, but pitiful as it was, it was never to be realised by the city. The Memphis and Little Rock Railroad, whose financial condition was so much debated about this time by the board, had a grip upon it, and it was swallowed up in paying interest on the city bonds issued to that company. In the latter part of June Mayor Baugh was re-elected, and with him Messrs. Hughes, Street, Finnie, Hamilton and Copeland of the old board of aldermen. At the second meeting of the new board, on the 22d of July, Alderman Robinson reported against paying for a barrel of whiskey ordered last February by the city engineer, as Alderman Forest explained, for the use of a gang of white laborers, who Alderman Finnie further explained were employed in "fixing the street railroad." The barrel of whiskey was allowed. This done, Alderman Robinson, who seemed determined to air the shortcomings of the city government, complained that the captain of the chain-gang employed as many overseers as he pleased, and he set them to work while he ran about town getting money for the discharge of parties on the gang. Sometime in last June there were no persons on the chain-gang, yet the captain claimed fifty dollars a month, and overseers forty dollars each, also. The mayor explained that the captain always took his advice about employing assistance, whereupon Alderman Jefferson mentioned an occasion on which "he saw the gang returning from work—two on the gang and *two overseers*." His point about the extravagance of the superintendent of the chain-gang was made clear. Alderman Robinson reported against paying Ben. O'Haver seventy-five dollars per month as general policeman. The principal work of this office was, he said, to go to the draymen and to inform them when they were running without license and invite them to call and get one from the

mayor. Draymen and others ought to be fined for running without license; the law fixed the fine at twenty dollars, but the recorder makes it five dollars. These salaries were paid for mere sinecures—he protested against it. Much complaint was made by the people regarding the difference made in the treatment of the rich and the poor for some offences. Alderman Robinson had learned that the tax collector permitted men who own a number of drays to run them without license until they pay their taxes. For the last year at least, many of the accounts sent into the board had not been properly examined. Police would take up draymen for trotting, but let fast young men drive at a 2.40 pace on Main street and never attempt to do their duty. The fact was, the board must start at the head, with the city officials, who permitted officers to neglect their duty without censure. Later, in August, there was a warm discussion over accounts for "things contracted for without the consent of the board," the oppression of the very poor, and the favoritism shown the rich, "who did pretty much as they pleased," as the newspapers reported, Alderman Hughes complaining of the board's "pusillanimity in resolving a thing one day and undoing their action another." In August the prevalence of yellow fever at New Orleans warned the citizens of the necessity for quarantine, and the question was brought up in the board by a resolution to lease more ground on President's Island for the erection of quarantine buildings. But Alderman Finnie opposed it, saying he "never knew any good to come from quarantine. If Providence intended the fever to come here, it would come in spite of all they could do." But the other members disagreed with Alderman Finnie as to the existence of a murdering Providence, and at a meeting on the 22d the mayor was authorised to lease the property of the late Thomas Newsom, on Bray's Island, for five years at the rate of $600 per annum for the purpose of quarantine, whenever it may be deemed necessary, and the public interest demanded it. These grounds were never used. Quarantine was not authorised until many years after. Thus the board moved on in the same blind way as to the expenditure of the peoples' money. The newspapers, in September, again complaining that the members talked too much, and of the cry "'no money in the treasury,' when not a single one of them, the *Appeal* charged, seemed to know how much was spent, borrowed, or received, and were utterly in the dark as to the condition of the fund from which the money is to come from." The *Appeal*, on the 24th of December, also stated in answer to a correspondent, that "one of the aldermen had said in open meeting that if the city's financial condition was printed, its notes would go to protest," and another advised the board "not to show its hand," that is, to make an exhibit of its actual financial condition. This had the effect of inducing an inquiry into the city's financial affairs, and the books and accounts of the several city officers, the result of which was not made public until many months after. The navy yard mort-

gage and bonds had been from the inception of that very bad bargain, a great source of annoyance and trouble to the board, but the full weight of it, as a responsibility, does not seem to have occurred to the members until the 3d of November, when Mayor Baugh notified them that the rents from the leased lots were not sufficient to meet the interest on the bonds as pledged, and he asked how the deficiency was to be met. "The charter," he said, "forbids the city assuming the debt, and if portions of the property are sold to meet the deficiency, the lessees will involve the city in suits." No answer was made to the mayor's question, and the matter lay in abeyance until the 16th of the month. At a meeting held on that day Alderman Douglas asked the mayor whether he intended to refuse to pay money out of the city treasury to make up the deficiency in rents necessary to pay the $30,000 of interest each year for which the city was bound. Mayor Baugh "intimated he should so refuse," says the *Appeal's* report, whereupon Alderman Foute thought the board had forgotten the question before them, which was to print the mayor's message, and this on a call for a vote, was decided in the affirmative, "and the subject was dropped." At a subsequent meeting on the 24th of December an ordinance was adopted by which the city was to receive $300,000 bonds from the railroad company in recompense for the sum for which the navy yard was mortgaged. On the 19th of October Alderman Kortrecht introduced his ordinance regulating, controlling and licensing houses of ill-fame within the limits of the city. It passed without many words of debate, and the newspapers approved of it "as a measure" as the *Appeal* said, "of large humanity, and so constructed as to protect while it does not legalise prostitution." This was in special commendation of the monthly tax required to be paid by the keepers of such houses which was to form a special fund for the aid of such women as might desire to change their mode of life, and those who, needy and destitute, might become a public charge. But, notwithstanding these endorsements and a further explanation by Alderman Kortrecht, he and his ordinance were bitterly assailed. Yet, Alderman Robinson, at a meeting of the board on the 5th of November moved the "repeal of all laws and ordinances respecting the renting of houses to persons of ill-fame, and the inhabitants of such houses." This was passed, and on the 17th at another meeting Alderman Kortrecht offered an ordinance in lieu of his previous one, for the regulation of houses of ill-fame, stating by way of explanation that he proposed to ignore the existence of these females so long as they kept out of the way of observation only to interfere with them when they break the law and shock public decency. Alderman Foute thought the poor outcasts should be allowed some protection, should be allowed some place of refuge, and he moved the passage of the ordinance. Two days after the board adopted resolutions to promote a policy of direct Southern trade with Europe by way of Norfolk and the Loire in France, after listening to an address by Colonel

Payne. Words were cheap and the aldermen were happily oblivious of the fact that trade could not be directed by their resolutions. Retracing our steps to April we find that the Legislature in passing a new school charter for Memphis had omitted the most important section of the original draft providing for the erection of school buildings. This provoked an inquiry by the board of mayor and aldermen at the instance of the mayor, who recommended that body to take prompt action on the question of lots and school-houses. Alderman Martin, in a formal report, explained that this duty had been devolved upon the board of school visitors by the Legislature, who were empowered to contract for lots for school buildings, provided the cost does not exceed $50,000, payable in not less than three, nor more than five years. Another report by the committee on public schools made on the 5th of May explained the powerless position of the board of mayor and aldermen in the matter of school buildings, and additionally stated that the school fund will be reduced from $25,000 or $30,000 to $10,000 or $12,000, "a sum totally inadequate to carry out our system." The fact was that by the repeal of the act of 1854 the Legislature, by the act of 1856, gave the board of school visitors the contracting power putting upon the board of mayor and aldermen the obligation of paying for the lots thus contracted for, as they alone had the taxing power within the city limits, and the refusal of the aldermen to consider and act upon the mayor's message grew out of a feeling of jealousy occasioned, as was privately current at the time, by the creation of the school board, and the curtailment of the prerogatives of the aldermen to the extent of the school visitors' powers. Between the two stools the children fell to the floor. In July the failure of the Citizens' Bank of Nashville and Memphis occasioned some excitement, and some indignation was indulged by the resignation of its president, Captain D. B. Turner. He published a card of explanation, but it was not satisfactory to the public, and Colonel Sam. P. Walker answering it took issue with him as to the charge that he had not complied with his contract. The *Appeal* criticising both, said that Turner's card was unsatisfactory, and that Walker's developed "nothing by which the public and the note-holders may form an intelligent opinion as to who had wronged them." In order to repair that wrong as far as possible Messrs. Walker and Jones agreed to place the assets of the bank in the hands of a proper receiver, with power to distribute the proceeds to the creditors without preference. In the meantime, and on the 18th of July, Messrs. E. McDavitt, J. C. Jones and R. C. Brinkley published a card stating that they had advised Messrs. Turner and Walker to couple together with the hope of a satisfactory adjustment of their differences, and asked for a suspension of public opinion. In response to this a public meeting was held on the 20th of July to consider the bank's failure, and by it a resolution was passed appointing a committee of five business men to investigate the books and accounts of the bank, declaring that the conduct and

policy of the banks of Tennessee had for years been discreditable to our State. On the 31st of July this committee, composed of George L. Holmes, J. D. Williams, Edmund McGehee, John J. Byrd and W. B. Donoho made a report from which it appeared that N. E. Alloway, having transferred his stock to Folwell & Adams, and Folwell & Adams to W. M. Folwell, December 10, 1853, W. M. Folwell transferred his stock to S. P. Walker. Up to that time and not until the 20th of the same month was there any evidence on the books of subscriptions for stock, and then only for $27,000: $15,000 by S. P. Walker, $10,000 by D. B. Turner, and $2,000 by W. A. Jones. The committee went carefully and systematically through the books of the bank and reported an actual deficit of $29,814, and that it was the imperative duty of the owners of the bank to make immediate provision for this deficit and that which might accrue from bad debts. The *Appeal*, commenting on this report, said that "if the classification of the assets of the bank, made by the committee, and their recommendation be assented to by Messrs. Turner and Walker, the bill-holder will be saved from any serious loss, although he may be subjected to some delay. We cannot permit ourselves to doubt that the small deficit will be made good by the present and late owners of the bank, and an assurance by them to this effect would soon give quiet to the public mind, and go far to reinstate the parties who have been so severely censured, to the confidence which they once enjoyed in so eminent a degree." Another meeting, held on the 5th of August, composed entirely of business men,[1] insisted that it was the sacred duties of the late officers of the Citizen's

[1] The following named business men and firms were present, or represented at this meeting, which pledged itself to discountenance and discourage the circulation of any bank notes that could not be redeemed with specie on demand in Memphis: Speed, Donoho & Strange, J. J. Rawlings, Gates, Wood & McKnight, F. Lane & Co., W. Howard & Co., Graham & Hill, Farrington & Howell, S. B. Williamson & Co., R. A. Parker & Son, Hamilton & West, S. W. Vernon, Meacham & Galbreath, H. F. Farnsworth & Co., A. Vaccaro & Co., Saffarans & Stratton, J. B. Sharpe & Co., Lownes, Orgill & Co., J. M. Patrick & Co., Hill & Dorion, G. G. Townsend, L. D. Williams & Co., F. H. Clark & Co., Stovall & Mitchell, Wallace & Van Pelts, W. H. Hunt, J. D. Beattie & Co., Webb & Ruffin, Hawks, Smith & Co., James Elder, J. Hannah, W. H. Taylor, W. H. Goodlett, J. F. Frank, Charles Potter, Todd & Goyer, J. Boro & Co., D. H. Townsend, Hillman Bros., Stratton, McDavitt & Co., Richard C. Orne, Charles Jones, F. Shoemake, Harris, Wormeley & Co., Webb & Rawlings, William B. Greenlaw & Co., J. M. Provine, Norment & Wilson, H. Fitzgerald & Co., Ashe & Co., Copeland, Edmondson & Co., N. B. Forrest, Morgan & Chrisp, B. D. Nabers & Co., Stewart & King, Nelson & Boyce, J. J. Murphy, A. J. White, Cook & Co., E. M. Apperson & Co., Titus & Co., J. J. Worsham, Norvell, Boone & Co., Thomas B. McKeon, James Royal, T. P. Aydlett, John L. Taylor, J. G. Flournoy, Lehman & Co., Cossett, Hill &, Talmedge, Chandler & Co., Candee, Mix & Co., Ward & Jones, Ford, Begbie & Co., A. T. Wells & Bro., W. J. Gaskill, Cleaves & Vaden, Spivey & Clarke, Hicks, Terry & Co., Edmondson & Armstrong, McCombs & Co., J. E. Merriman & Co., Eldridge, Tufts & Co., J. G. Lonsdale, J. T. Keller & Co., S. Mansfield & Co., Dalton, Kirk & Williams, George Putnam & Co., Sample, Mitchell & Co., Taylor & McEwen, Harras & Hunt, J. E. Chadwick, Fowlkes & Co., Mr. Donoho, Mr. Howard, Mr. Hill, Mr. N. Ford, John Stratton, T. W. Wilkinson, C. M. Horton & Co.

Bank, "a duty which they owe alike to their reputation and the holders of their notes, to surrender into the hands of a trustee (to be selected by disinterested persons) all the assets of the Citizen's Bank, to be applied by him to the redemption of its issues, and that any deficiency should be made good by placing at the disposal of the trustee, any property, real or personal, of which said officers may now be possessed." This course was pursued by Messrs. Turner & Walker, who from the time when the call was made upon them by Messrs. Jones, Brinkley & McDavitt, had been examining the books of the bank with that purpose in view. The cards published in the newspapers of the 6th of August by Messrs. Turner & Walker explain this, and the determination of the latter, who was held in high esteem by the people of the whole State, that no one should suffer loss by the failure. By his card Mr. Turner explained that the difference between him and Colonel Walker was one of legal obligation and not of integrity, and the latter stated that he and Turner "have endeavored to settle the matters of difference between us, and have so far agreed that I have consented and obligated myself (taking that report as a basis of settlement) to take charge of all the assets of said bank, and through an agent, agreed upon for that purpose, to collect the amounts due the bank, and apply the proceeds in discharge of the notes and debts of said bank. These assets, including the profits of the bank since the transfer in January last, and all amounts agreed to be paid as a bonus or a consideration for the transfer of said bank, shall be applied in liquidation of the notes and indebtedness of said bank. When these means are received and so applied, if there shall remain any deficiency, I undertake to apply my own individual means and property to make good such deficiency to note-holders or creditors of the bank. I deem it scarcely necessary to say that any intimation that I have bargained, sold or transferred any portion of my property to avoid a possible responsibility in this regard, is utterly false and untrue." Colonel Walker redeemed his pledge. Mr. O. H. Lide was appointed agent to wind up the bank, and as a preliminary to his task the banking house was sold by auction to J. H Edmondson for the sum of $19,650. During the year the questions affecting the railroads were the extension of the Memphis & Charleston Railroad to the navy yard, which was granted by the board of mayor and aldermen with a proviso that it should be voted upon by the people on the first Saturday in June, and an election for that purpose was ordered by the board, but never held. There was also a protest by the employees of that railroad against being forced to work eleven hours each day. At a public meeting to discuss the question Colonel S. P. Walker advocated the claims of the hard-working mechanics, and thought ten hours a day sufficient. This was finally acceded to by the railroad company. There was also the proposition of Colonel Sam Tate, president of the Memphis & Charleston Railroad, by which he became possessed of the city's stock in that road. He agreed to pay the interest on the bonds of the road endorsed by the city

for four years, at the end of which time he agreed to return the bonds and receive a transfer of the stock. The newspapers and the people endorsed this trade in which Colonel Tate had for associates R. C. Brinkley, John Overton, W. J. Wicks, P. C. Bethell, E. W. Mumford, William Dixon of Buzzard Roost, and W. B. Waldran. There were also very encouraging reports from the Memphis & Louisville Railroad, for which the iron for the twenty-five miles between Brownsville and the Mobile and Ohio Railroad had been purchased, and Governor Harris had handed over to Colonel Robertson Topp $200,000 in State bonds for the completion of the eighteen miles of the road beyond Brownsville, and the building of the bridge over the forked Deer River. The incidents of the year worth recording were in January a lecture by and public banquet to John Mitchell, the Irish patriot; the dedication of St. Peter's Church, then the finest Christian edifice in the State, by the Right Rev. Bishops Miles, Spaulding and Elder, with the impressive ceremonies of the Catholic Church, the Rev. T. L. Grace, pastor, with other priests assisting; the destruction by fire of the residence of Bishop Otey on the 21st; the appointment of Marcus J. Wright to be a director of the branch bank of Tennessee for Shelby county, vice J. B. Lamb resigned; and the death of George Helm, a well-known lawyer. In February the publication of Congressman W. T. Avery's speech on the Kansas question. In March a public discussion by the press of the necessity for uniting all the railroads, and uniting all the cotton sheds by railroad, also for paving the streets with boulders; the opening on the 11th of the new Gayoso Hotel, the finest building of its class and character in the South, by a brilliant festival given by the citizens in honor of the proprietor, Colonel Cockrell; the death on the 13th of the Rev. W. C. Robb; passage by the Legislature on the 18th of a bill establishing a branch of the State Bank at Memphis; and the death on the 21st of General Ceylon B. Frayzer. In April a dinner given at the Commercial Hotel, on the 13th, in commemoration of Henry Clay's birthday, at which the leading Whigs and many Democrats were present. In May a meeting on the 25th of the mechanics to select a candidate for mayor and prepare a constitution and by-laws for a society for the carpenters, machinists, blacksmiths, boiler-makers, moulders and coppersmith; the agitation of a question of a custom-house for Memphis by Congressman Avery. In June the death of ex-mayor Seth Wheatley, on the 8th; explosion of the boilers of the steamboat *Pennsylvania*, seventy miles below the city, and more than 100 persons killed, some of them citizens of Memphis, among them the Honorable W. R. Harris,[1]

[1] Judge Harris "was a man of no ordinary mould." His death the bar resolutions said filled the members with "unutterable sorrow." It "was a grievous affliction to the judiciary of the State," and "society and our immediate community have lost one of their highest ornaments." The *Appeal* speaking for the whole public, bemoaned his loss to the State as that of one who was stricken down in the meridian of manhood, and in the zenith of an honorable and distinguished career, one of the soundest intellects and truest hearts that adorn our State. His mind was clear direct and logical, never sacrificing the substance to mere ornament, and always endowed

a judge of the Supreme Court of Tennessee, and brother of Governor Isham G. Harris; large sums of money collected for the surviving sufferers who were carefully nursed by the people of Memphis, and when able to travel, were sent to their homes. In July, the tender to Judge Archibald Wright[1] and acceptance

with a force and perspicuousness that challenged opposition. When added to this was a spotless integrity, and the habit of thorough application and research, it may be fairly claimed that his was a legal mind of the first order." He enjoyed the "unbounded confidence of his fellowmen," who had "elevated him successively to the highest positions at the bar and bench. No man could have enjoyed a higher degree of confidence from his neighbors and friends, which gradually extended itself until the whole people of the State placed him on their supreme judicial tribunal. He was stern and unbending in his integrity, warm and undying in his friendship, ardent in his feelings, and in an expressive phrase often used, but forcible in its application, *a true man.* He was the elder brother of the governor of Tennessee, who has been at his bedside from the moment of his arrival from the scene of the disaster that caused his death." The whole community participated in the sorrow of those whose grief was inconsolable. These expressions of regret and sorrow afford some measure of a man who, beginning life with few advantages of education, had risen to the highest place in his profession. He was born in North Carolina, but removed to Bedford county, Tenn., while still a child, and there was reared and educated. He began the practice of law in Paris, Henry county, and shortly attracted so much attention as to win the support of his brother lawyers for the office of circuit court judge, to which he was elected, and in which he served for six years to the satisfaction of the people. At the end of that time he removed to Memphis, where he took a commanding position at the bar, and served as Chancery Judge before his elevation to the Supreme Court, where he made a high character for care and caution, for research and analysis, and a desire in all cases for the law and the facts, that he might be governed by the truth, and do justice.

[1] Judge Archibald Wright who succeeded Judge Harris on the Supreme Bench, was at the time, one of the ablest lawyers in the State, and was confessedly the first lawyer in Memphis. He was born November 29, 1809, in Maury county but was reared in Giles, to which county his father removed while he yet was very young. He was educated at Mount Pleasant Academy, near Columbia, and at Giles College, Pulaski. He studied law under Judge Bromlett, of the latter place, and then entered on the practice of his profession. In 1861 he formed a partnership with Judges Turley and Eldridge, the latter his brother-in-law. Judge Wright was a strong character, a man of commanding presence, and the highest abilities. The strong, practical good sense for which the Scotch people are remarkable, was a dominating quality with him, and made itself felt in his practice at the bar, where he was noted for his clear, plain, comprehensive, logical and convincing argument. On the bench he was laborious and pains-taking, and went with singular directness to the very marrow and substance of a case. In delivering his decisions all these fine qualities asserted themselves in the terseness with which he stated his points, and the order in which they were presented. He was original and strong, and was gifted with the Scotchman's tenacity and grit. A Democrat in principle, and of the strict construction State-rights school he might, had he pushed himself, have risen to eminence in polititical life. But he was a man of great independence of character, and was never in any sense an office-seeker—on the contrary, he believed the office should seek the man. Pressed to become a candidate for the Supreme Bench years before his elevation to it, he always declined, so reluctant was he to lend himself to anything like a scramble for an office of so much dignity and power. Everywhere during his career Judge Wright was looked up to as a man in whom the people had confidence. His gauge of duty was as high as the highest, and he fulfilled every purpose and place in life with a desire always to reach the point of that gauge beyond which no other man could go.

by him of the place on the supreme bench made vacant by the death of Judge Harris; a great rain on the 2d which flooded the bayous and washed bridges, in some cases houses, away, killing many persons; recommendation by the mayor on the 7th that the board of mayor and aldermen straighten and improve the bayou; death of ex-Governor Quitman, of Mississippi, the *Appeal* in mourning for him. In August, death of George Flaherty on the 5th; rejoicing on the 6th over the success of the Atlantic cable over which Mayor Baugh, as directed by the board of aldermen, sends a message to the mayor of Manchester, England; "the city of Memphis on the shore of the Mississippi, the largest interior depot of cotton in America, sends her greetings to the city of Manchester, the largest manufacturing city of that staple in Great Britian and desires to mingle her congratulations with those of her trans-Atlantic sister upon the successful establishment of the ocean telegraph;" death of Dan Saffarans on the 11th; the resumption of specie payment by the bank of Tennessee on the 12th; appointment of a new board of health on the 14th; renewed agitation by the merchants, the cotton men especially, of a Merchant's Exchange and Chamber of Commerce; meeting of the board of health to establish quarantine against New Orleans, where the yellow fever again prevailed; the fathers of St. Peter's Church contract for a new grand organ, with Erben of New York. In September Judge Archibald Wright elected to be a justice of the Supreme Court; opening of the Shelby county fair on the 7th, which proved to be a gratifying success; hearty rejoicings on the 28th by the Democrats over the defeat of Lincoln, in Illinois, by Senator Douglas, who was a great favorite in Memphis; announcement on the 29th that General William Walker, of Nicaragua, accompanied by his father, is to visit Memphis and is en route by way of the Mammoth Cave. In October, the 16th, the closing day of the county fair signalized by the presence of an immense concord; opening of the fall races over the Memphis course on the 17th, heavy purses, the entries among the best horses in the country, the track in excellent condition and the attendance large; announcement of deep sympathy by the people of Memphis with those of Vicksburg, Natchez, New Orleans, and other places below on the Mississippi, where the yellow fever almost defied anything like treatment; a great many refugees in the city awaiting the abatement of the scourge to return to their homes. In November a meeting on the 12th to consider the erection of a new court-house, "the present one being a bog hole;" arrival of Senator Stephen A. Douglas, on the 29th, and a grand reception by an enthusiastic multitude of people, among them thousands from the adjacent country, and speech to a vast concourse at the Exchange building, where they were very warm in the greeting they gave the "Little Giant." In December the announcement on the 5th of the construction of a new line of telegraph by Henry A. Montgomery, to Little Rock with a branch to Helena; appointment of a committee to arrange for the unveiling of a bust of Andrew

Jackson in Court Square. This bust was the work of Frazee, was modeled from life and executed in marble under his direction by Nelson Swazey, of New York City, his most promising pupil. It was purchased by Joel T. Parrish for $500 and by him was presented to the city. It was suggested at the time by many citizens that the unveiling of the bust would afford the board of mayor and aldermen a fitting opportunity to honor the memory of Jackson's friend and the founder of the city by changing the name of the square from Court to Overton, but upon a motion to that effect being made by Alderman Finnie, Alderman Hughes opposed it asserting that General Jackson was the party to be honored, and that Overton's conduct towards the city was always selfish. Jackson had given nothing to the city, not even a moment's anxiety, and Overton had given it its streets, and squares and alleys, and its beautiful promenade. The only notable item furnished by the press during the year was the appearance of the first issue of the *Avalanche* in January under the editorial control and direction of M. C. Galloway, and in August the association with him of Mr. C. M. Campbell, of Columbia. The dramatic news of the year commencing in January was the appearance on the 7th of Maggie Mitchell at Ash's theatre, and Mr. and Mrs. Bateman at Crisp's (the Gaiety); in February Murdoch at Crisp's; in March, Hackett in the "Merry Wives of Windsor" on the 3d at the Gaiety; first concert by Thalberg & Vieuxtemps at Odd Fellows' Hall, which creates a furore; Miss Cushman "in a round of her characters," at the Gaiety; Julia Dean at the Gaiety on the 31st; in April Jenny Davenport at the Gaiety on the 14th; and two concerts by Maurice Strakosch, Frazzolini, Scala, and Peruzzi. In December death of David T. Ash, manager of Ash's theatre, from the effects of a wound the result of an accidental pistol shot. A great favorite and held in high respect by the people his funeral was largely attended.

XI.

H. K. WALKER, of Nashville, writing in the *Banner*, published in that city, early in January of 1859, said that from the stand point of the States capitol "Memphis is a great town in the present, and is destined to be a huge, gigantic, yea, even mastodonian city in the coming future." Such a compliment and such a prediction from a rival was very gratifying. Its extravagance in words was overlooked, and it was taken for what it was really meant to be, an acknowledgment of apparent prosperity and a prophesy of better things to come. It was especially acceptable at this time when (on the 8th) Frazee's bust of Jackson, one of the founders of the city was being unveiled in the presence of a great multitude of people and the heroism and patriotism of Tennessee's greatest citizen were being repeated by the Hon.

Andrew Ewing. There was a peculiar significance in this event. No public man had been more pronounced in what he had said and done for the Union, now so seriously threatened, as Andrew Jackson. He had in a single phrase compressed the purpose of his lifetime and his hope for the future of the country in "the Federal Union, it must be preserved." These words were uttered by him at a critical period in the life of the Republic when he was so confident that its integrity was to be assailed that he sent for his old lieutenants—Carroll and Coffee—and arranged with them the plans of a possible campaign by which it might become necessary for him to enforce the laws of the United States against South Carolina. Nullification was then (1831-32) confined to that State, now secession was threatened by all the Southern States. These words so pregnant with the spirit of the lion-hearted and imperious soldier, were engraved upon the pedestal on which the bust was set up, and placed in the center of the beautiful square, with its face towards the great river to win the undisputed right to which for the republic the people of Tennessee had done so much and which had never been secure or sure until after the great battle fought on the 8th of January, 1815, near New Orleans, and which was on this day so fittingly commemorated by a grateful people. Menaced now in their constitutional rights of property, they recalled not only the words of this the greatest of their leaders—to his country a second Washington—but they also recalled the love of justice, truth and right that had made him one of the greatest of moral heroes, and they solaced themselves with the belief that in the full rectitude of those principles, were he still living, he would have been standing with them and urging them to contend for them in the Union in whose constitution he believed them to be embalmed. Everywhere throughout the South there was great anxiety for the future. The air was filled with predictions of disaster, and it was a great relief for the people to turn time back in his flight and dwell for an hour or more with the hero whose fame linked his generation so closely with that which had achieved the independence of a now imperiled Union. All the dignitaries of the State were present. Governor Harris, surrounded by a brilliant staff, the officers of the grand lodge of Tennessee, the board of mayor and aldermen, the military and fire companies and all the distinguished citizens of Memphis—Whigs and Know Nothings as well as Democrats—were present on an occasion which as the newspapers reported summoned the beauty and gallantry of the country as well as city. After the Masonic ceremonies, which were solemn and imposing, the great company of people marched in procession to the Second Presbyterian Church, where the Hon. Andrew Ewing delivered "an oration upon the life and services of Andrew Jackson." "There had always appeared to him a peculiar fitness in the grand idea they were that day consummating. Memphis," he said, "is unquestionably the great center of intercommunication for the valley of the Mississippi. This vast river that ever rolls by you so deep and strong, is the main

artery of the south and west, and it bears annually on its bosom the products of the most fertile country in the world. You are now connecting by railroads with all sections of the Union east of the Rocky Mountains; and when the locomotive shall travel on its path from the Pacific towards the Atlantic, it must debouch at this great central point of commerce and production. Whether, then, the travel be by land or water, on business or pleasure, by the thriving merchant, the busy artisan, the scientific explorer, the active farmer, or the poor immigrant wending his way to the far west, all, all must pour in one ceaseless tide through the environs of your magnificent emporium. What place, then, more appropriate for installing some memento of the illustrious dead; something that will cause the busy relentless throng of life to pause for a moment and remember the pioneer chieftain of our State; a marble bust whose sight will recall the remembrance of the past—the wilderness and the Indian, the paint and the war-whoop—the musical names of Emucfaw, Talladega, Enotochopeo, with all the thick coming memories of Carroll, Coffee, Montgomery, Armstrong, and a hundred other brave men, the primitive warriors of the land? No person who has ever passed North Bend in a steamer, seen the rush of passengers to the upper deck, the longing gaze fixed on the white palings that fence around the quiet, peaceful tomb of General Jackson, and then marked the sadness and softness visible on each face as the vessel moved slowly away, can ever misunderstand the solemn, chastening effect of these reminders of our forefathers. They come as the swell of distant music at night, tearing us away from the present, and carrying us back to the shadow of vanished years and peoples. No man described in the pages of history has ever exerted so magical an influence over a numerous, free and enlightened population, as did the 'hero of the Hermitage' The character of General Washington is unquestionably more perfect, his altogether a more harmonious whole, his earlier and later years more in unison with each other, and his name more revered throughout the Union; but in his day and generation he never excited the enthusiasm of friends or struck the terror and admiration into foes, that was exhibited throughout the long public career of General Jackson, and lasted even after his retirement to the Hermitage." Following this was a recital of the chief events in the life of the hero. Mr. Ewing contrasted the spirit of union that prevailed everywhere throughout the States during the stormiest period of Jackson's civil career (1824–1840) and said: "Of his political principles in general, sir, I will not speak; but there is one sentiment which his utterance engraved upon the popular heart, and we inscribed it on this pedestal—*The Federal Union—it must be preserved.* That is a sentiment to which every patriot will respond. It speaks the very soul of the constitution—equality of the States. In defence of that great principle, patriots from New England respond to brethren in the far southwest, and the distant Pacific answers to the Atlantic shore. Not a consolidated Union—not a great central power over-

awing the States—not a mighty empire of which the States are mere provinces; but the *Federal* union—a compact between equals—a confederacy of sovereigns—a Union which can only be preserved by preserving its federative character. Such is the union of the constitution, such the union which the voice of the immortal Jackson proclaimed '*must be preserved*,' and such a union is worthy the loftiest flight of a patriot's hope and the last drop of a patriot's blood. At this moment, when fierce sectional conflict seems impending for the possession of the government—when a desperate sectional faction is gathering its energies for the overthrow of all that is national in American politics—at a moment of such thrilling interest, let us here repeat the sentiment as at the very altar of the temple of liberty, a vow to be registered in heaven, '*The Federal Union — it must be preserved.*' At such a time there are no true patriots who seek to weaken the energy of the people in defence of their institutions, or to lull them into false and fatal security by singing empty pæans to the Union regardless of its federal character, and silent as the grave as to the great principle of the Union, without which it were the iron bond of slaves; not the silken fetters of freemen. . . . What, sir, were the Union without the glorious federative principle of State equality, alluded to in the sentiment of the hero and statesman of the Hermitage, which once supremely animated it, and which now wrestles for life in a mighty struggle, like a God-like spirit encased in a noble form, contending with the king of terrors? What were the fairest form of ideal beauty that painter ever dreamt of? or poet ever sang, without the soul speaking from the depths of eyes where love sits enthroned? What the dewdrop, without the beam that sparkles in its orb? or the cloud without the lightning revelling in its bosom? What the mighty cataract without the wreathings of its imperial spray, and the thunder of its rushing waters? What the ocean in one eternal calm, without the billows that play upon her breast, and the grand symphonies of their sublime minstrelsy? What were the earth itself, without the life-giving sunlight which sparkles through her fountains, dances on her streams, smiles amid her flowers, and wakens the melody of her birds? Nature, indeed, speaks with an eloquent voice, enforcing the sentiment of the sage. Its federative character is the very soul and sunlight of our constitution. Let us then, sir, here, on the now consecrated spot as at a holy shrine, renew our plighted vows and swear: '*The Federal Union — it must be preserved!*'" Mr. Ewing, in these words so forcible in the principles they embalmed, voiced the sentiments then prevalent throughout the South, which very soon after, in a convention held at Memphis, urged the construction of a Pacific railroad that would bind the remotest confines of the Union together by a railroad that was to follow the line along which Jackson's military road in Arkansas had been surveyed and partially completed. This convention, sitting on the 9th and 11th of February, adopted a series of resolu-

tions embodying the results of its deliberations, in which it asserted: 1. That the most feasible and practicable route for a road to connect the eastern with the western portions of the Union, and that which is best adapted to the great purposes in view, is from the Mississippi River, at Memphis, by the way of Little Rock, Fulton and El Paso to San Diego, on the Pacific, uniting as it will the varied and otherwise conflicting interests of all sections of our common country. 2. That it is expedient and proper on the part of the government of the United States, to extend to individual enterprise such assistance as will aid the construction of such roads westward to our Pacific possessions, as the public necessities may require. 3. That Congress be memorialised to pass such a law as will authorise the government to enter into contracts with these companies for the transportation of the mails, troops and munitions of war, for a period of years, such service to be prepaid by the government in its bonds as the work progresses, at such rate of compensation as may be agreed upon by the government and the companies, and to embrace a stipulation that said companies shall perform similar services for the government for a further period of —— years, upon such reasonable terms as may be agreed upon, in preference to all other services. Another resolution was adopted at the instance of ex-Senator J. C. Jones, who explained in offering it that he "wanted all routes to the Pacific to stand upon their own merits." This resolution stated, "That, in the expression of the opinions and the suggestions contained in the resolutions just adopted by the convention as the report of the committee on location, whilst this convention is fully satisfied of their correctness, they do not wish to be understood as intending to disparage other enterprises, nor would they throw obstacles in the way of any of them. Let all go on their way rejoicing. Let us peaceably and quietly accomplish our object as far as we may." This rather neutralised the previously adopted resolutions and ultimately broke down the project which Senator Andrew Johnson had already assailed in a very masterly speech delivered in the Senate on the 25th of January, one of his strongest points being the cost of the three lines to the Pacific, proposed in order to conciliate the cities contending for their selection, as the initial point on the Mississippi. He stated the cost of each to have been estimated and the total to be in the neighborhood of $600,000,000 or $700,000,000 on each. It was a long speech and aroused the Senate into a debate in which Broderick of California, Huston of Texas, Seward of New York, and Davis of Mississippi, participated, all of them opposed to the Tennessee senator, who had all his life been a rigid economist, and was opposed to spending a dollar of the people's money for any purpose not specifically authorised by the constitution. Of course this speech aroused the indignation of the people of Memphis, who first proposed a Pacific railroad, and who, ever since the great convention over which Calhoun had presided, had been trying to adjust themselves thoroughly to the idea of federal aid in its construction. The *Appeal* was severe in its

criticism of Johnson's speech, but dwelt with much severity on his declared opposition to national party conventions. This, at this juncture in national affairs, was, in a Democrat, who owed his public preferment to conventions, an unpardonable heresy. This speech was afterwards characterised as Mr. Johnson's "first bad break," and it raised a doubt of his party fealty that no subsequent acts or speeches of his quite cleared away. It did not, as was expected, embarrass the canvass for which all parties were preparing, because momentous events hurrying after each other with flying feet, pressed for closer public attention, but it was regarded as an awkward interruption of the consistency of the Southern Democratic policy, the enforcement of which much depended upon the convention to be held the following year. The Tennessee Democrats taking the initiative in that campaign renominated Isham G. Harris for governor, on the 18th of March. He was the most pronounced of the strict constructionists of the party, and was more than a match upon the stump for Mr. John Netherland, who was nominated for the same office on the 30th, by what was called the Opposition Convention. The Congressional Convention of the 10th district, in April renominated W. T. Avery, who had made a record of consistency and fidelity, and the Shelby County Convention nominated Knox Walker and Hunter for the Legislature. The Oppositionists nominated John L. T. Sneed for Congress, and later, in June, to fill the places on the Democratic ticket created by the resignation of Hunter and Walker, John P. and W. T. Farrelly were nominated for county representatives, and R. G. Payne and C. H. Whitmore were nominated by the Democrats of Fayette and Shelby counties to be, the first senator and the second floater. The election which took place in August was a victory for the Democrats, won after a hard-fought contest, the vote for Harris being 70,273 to 68,042 for Netherland. The *Appeal* deplored the reduction in Harris's majority, which was easily to be accounted for by the character and strength of the opposition, which was made up of Whigs, Know-Nothings and "disgruntled Democrats," of whom there were not a few who felt themselves encouraged by Senator Johnson's speech. David M. Currin, who ran at this canvass as an independent candidate for Congress, was one of these, and did much to weaken the Democratic majority in the county and district. On all the issues the Democrats were consistent with their often declared principles as to banking and currency, and internal improvements, which were still the leading questions of State as well as national policy, with squatter sovereignty, the war in Kansas, and the rights of the people in the territories, the latter questions being much aggravated and intensified by the criminally foolish insurrectionary movement of John Brown, known as "Ossawottamie," from his connection as a free State leader in Kansas with the settlement of that town. He was a wild and infatuated fanatic on the question of the extinction of slavery, and utterly and insanely impracticable. Even one of so limited educational advantages, had he

given the matter any seriously thoughtful consideration, must have realised that there was no way possible to the manumission of the negroes except by the free-will consent of the people of the States who held them as slaves. This he could not be brought to see or realise by the more sober and practical abolitionists who contented themselves with the confinement of slavery to these States and the prevention of the spread into the territories. Brown, coinciding with this view for a time, had fought in Kansas on the free State side, and there made an unenviable reputation for indiscriminate butchery, and a series of unblushing robberies. Tiring of the inaction forced upon him by the presence of a large body of United States troops in the territory, he removed East to the neighborhood of Harper's Ferry, where, with a band of five colored and seventeen white men, on Sunday, the 17th of October, he seized the United States arsenal, "by the authority of the Almighty God," and made prisoners of all the white men he could arrest, and began to liberate all the slaves who came within his reach. He had cut the telegraph wires in every direction with a view to conceal his movements as much as possible, his intention being to take to the mountains and there carry on a guerrilla warfare with the authorities of the Southern States from Maryland to Alabama. But he was not quick enough in his movements. He was caught in his own trap by the Virginia militia and a company of United States marines, the whole under command of Colonel R. E. Lee, U. S. A., and on Tuesday was compelled to surrender, his fortress (the engine house of the armory) being carried by storm, eight of his companions being killed and three mortally wounded. Six of them, one of the number being his son Owen, escaped, but the rest of the survivors (seven) and himself were hanged at Charlestown, Va.; he on the 2d of December, and five of his companions on the 16th; the other two on the 16th of the following March. The immediate effect of this murderous scheme of Brown's was to make him a hero in the eyes of the abolitionists, to raise them in their own esteem and greatly and rapidly to increase the Republican party which the South, now nearly united, held to be identical in purpose with the fanatical murderers and robbers so summarily and righteously done to death. John Brown, even by the admission of Republican writers,[1] was an unbalanced character with a great deal of vindictiveness in his nature. Born in Connecticut, he was reared in Ohio, and learned from his father the trade of tanning, but being of a restless disposition he tried surveying, then divinity, after that farming in Pennsylvania, and real estate speculation in Ohio. He next tried cattle dealing, sheep raising, and afterwards became a wool-factor in Massachusetts. In none of these ventures did he make a success. He made a trip to Europe, and returning settled in the Adirondacks, in New York, with a view to colonising free negroes. All this time he seems to have been identified with the abolition movement, to have been known to some of the more advanced aboli-

[1] John G. Nicolay and John Hay, private secretaries of the late President Lincoln.

tionists as a dare-devil, reckless and shiftless sort of person. He went back to Ohio and remained there until 1855, when he went to Kansas, where he was preceded by four of his sons—four of the nineteen children that had been born to him by his two wives—and there he found scope for his cruel and relentless nature. He "made his name a terror in the lawless guerrilla warfare of the day." He went to Kansas to fight, not as a settler who had a purpose to stay and become identified with law-abiding men, in forming, founding and building a great State. In his estimation there was a vengeance to be wreaked, and he was one of the agencies for wreaking it. He came to feel that "he bore the commission, and enjoyed the protection of the Almighty; that he wielded the sword of the Lord and of Gideon, and that the angels encompassed him." He was possessed by an idea that a physical and superhuman strength was conferred on those who were right and ready to die. One such endowed person, he said, was equal to a thousand. The loss of two of his sons and the loss of reason by another, had no effect upon him but to harden his heart in the direction in which it was set. He was a literalist, and applied strong chapters of the Bible to his own course. He was characterised by an "impressive, half-persuasive, half-commanding manner"; was dogmatic and abrupt in conversation, mysterious in his movements, morbid, and nursed his hatred of slavery and slave owners. The war in Kansas furnished him an opportunity for testing his long-cherished hate, and putting into execution long-thought-of plans. Hay and Nicolay say of Brown that "in association, habit, language and conduct he was clear but coarse, honest but rude." One who knew him personally and well, dissents from this, and paints him in his true colors as an assassin and robber.[1] Such was the man who was canon-

[1] Ex-Congressman Eli Thayer, a Republican, writing in the Boston *Herald* in September, 1887, said that Nicolay and Hay had made several mistakes of omission and commission in their sketch of John Brown, in the August number of the *Century Magazine*. Quoting from them the passage above quoted, as to Brown's associations, habits and language, Mr. Thayer says that "two circumstances, however, indicate that he was practising a deception upon the committees and the public. He entered into a contract with a blacksmith in Collinsville, Conn., to manufacture for him 1,000 pikes of a certain pattern, to be completed in ninety days, and paid $550 on the contract. There is no record that he mentioned this matter to any committee. His proposed Kansas minute men were only one hundred in number, and the pikes could not be for them, His explanation to the blacksmith that they would be a good weapon of defence for Kansas settlers, was clearly a subterfuge. These pikes, ordered about March 23, 1857, were without doubt intended for his Virginia invasion, and, in fact, the identical lot, finished after long delay, under the same contract, were shipped to him in September, 1859, and were actually used in his Harper's Ferry attempt. The other circumstance is, that about the time of his contract for the pikes, he also, without the knowledge of committees or friends, engaged a worthless adventurer named Forbes, to go West and give military instructions to his company, a measure neither useful nor practicable for Kansas's defence. These two acts may be taken as the first preparation for Harper's Ferry. These are constructive lies. But John Brown made use of many others in his preparation for the Virginia raid, which were in no way doubtful or equivocal.

ised not only by his former companions, but by the Abolitionists, and during the frenzied years to follow by the whole North, poets and prose writers with the deliberation necessary in the selection and adjustment of words putting him beside the sacred Christ as a revelation and inspiration to mankind. One

1. He came to me in Worcester to solicit a contribution of arms for the defence of Kansas City settlements, which he said he knew were so to be attacked by parties already organised in Missouri, for the purpose. Not doubting his word I gave him all the arms I had, in value about $500.

2. Under the same false pretence he secured another contribution from Ethan Allen & Co., manufacturers of arms in this city. These arms, also, were never taken to Kansas, but were captured at Harper's Ferry.

3. Before his attack upon the United States Arsenal, he spent several weeks in Virginia. He pretended to be a mineralogist, and went about with a hammer breaking off corners of rocks. Under the pretext of searching for copper, he found opportunities for trying to enlist slaves in his little rebellion. The representatives from the Harper's Ferry district gave me these facts.

4. Under the same false pretence of aiding the settlers in Kansas, he procured funds from several New York merchants, one of whom says that he gave him $50.

5. In 1858 he made a raid into Missouri, murdered Mr. Crews, a peaceable old farmer, and took away eleven slaves, with about $4,000 worth of oxen, mules, wagons, harness, saddles and other property. As soon as he had got outside the State he sent agents in all directions to solicit aid to get the eleven negroes to Canada. He was from December to April getting them through. This slow movement was doubtless for the purpose of prolonging as much as possible the time for his agents to procure funds. His plunder and his collections went, probably, to increase his Harper's Ferry fund.

6. He often asserted that in the above raid he liberated several slaves without bloodshed and without the use of weapons. It is proved that Mr. Crews was killed in that raid.

7. He repeatedly said that he was not present at the Pottawottamie midnight massacre. It is proved that he was present as commander of the assassins.

8. He repeatedly affirmed that he took no part in those murders, though he approved of them. It is proved that the first unarmed victim, Mr. Doyle, was killed by Brown's own hand. There is abundant other proof that in all his murders and robberies, whether in Kansas, Missouri or Virginia, his creed was that "the end justifies the means," and that lying, in his case, was a holy vocation. Does the expression "honest but rude," truthfully describe John Brown?

. . . . .

At that time (1859), I was serving my second term in Congress, and had every opportunity to know the minds of members regarding John Brown's raid. There was not one member of the House of Representatives who considered his punishment unjust. A very few (and I was one of them), thought it impolitic, and said that it would have been better to put the criminal in a mad-house for life. This method would have made ridiculous any attempts of the Garrison disunionists to consecrate "Old Brown" either as a "martyr" or a "saint." Had any Republican member of Congress defended the course of the invader and murderer and denounced the courts of Virginia for properly punishing him capitally, such a Republican would have been expelled from the party without notice or delay. Henry Wilson was one of the most radical of the Republicans, but he said in Boston, after Brown's raid and before his execution, in words more emphatic than elegant, "John Brown is a d——d fool." Later he said in the United States Senate: "To the allegation that Massachusetts sympathised with John Brown's invasion of Virginia, and had elected a governor who indorsed it, I wish to interpose an emphatic denial. Such a charge is a libel upon the Republican party, upon the State of Massachusetts, and upon her governor." Only a few months after Brown's execution the National Republican

of the songs by which the Northern States were marshaled for war had for its refrain the declaration that though John Brown's body lay mouldering in the grave, his soul was marching on. "On the day of his execution religious services were held in Boston, and funeral bells were tolled. 'Some eighteen hundred years ago,' said Thoreau, 'Christ was crucified, this morning, perchance Captain Brown was hung. These are the two ends of a chain which is not without its links.' Theodore Parker said, 'The road to heaven is as short from the gallows, as from a throne, perhaps also as easy,' but Emerson, the profoundest philosopher America had yet produced, guided by the blind spirit of fanaticism that prompted Thoreau and Parker to outrage the tendency of their lives as teachers—Brown was, he said, a new saint awaiting his martyrdom and who, if he shall suffer, will make the gallows glorious like the cross.'" This high estimate of John Brown by three of the first thinkers in the country became the estimate of the masses, and murder and robbery were justified, and he was apothesised as Washington had never been by the warmest of his admirers. What wonder, then, that the people of the South immediately concluded that the secret and hidden purpose of the people of the North was murder and robbery, and that it was only a question of time when passing beyond their declared limits of aggression upon slavery, to confine it to the States where it was a recognised "institution," they would make an onslaught upon it even there in defiance of the constitution which the Abolitionists had for some time been characterising as a "league with death and covenant with hell." The invasion of Harper's Ferry which thus plainly indicated the depredatory feeling against slavery and slave owners that was being nursed at the

Convention met in Chicago to nominate a candidate for president. That convention passed unanimously a resolution denouncing the "armed invasion of a State, under whatever pretence, as one of the gravest of crimes." . . . . Every stump speaker for Lincoln, in the canvass, denounced the John Brown raid unsparingly and incessantly. Had there been any doubt upon this subject the Republican party could not have carried a single State, and probably not a single town, in all the Northern States.

The active men at that time in urging the claims of John Brown as a "saint," were the same ones who, at the South Farmington meeting on the 5th of July, 1854, applauded William Lloyd Garrison while he publicly burned a copy of the constitution of the United States. They are the same who have written novels claiming to be John Brown's biographies. They are the decorators of their "saint," with the use of various colored feathers stuck here and there, and many bits of picturesque adornment in ribbons and flannel rags, all of flaming colors, so that he has become at last much more grotesque than Madge Wildfire ever was, since, unaided, she was her own decorator. Of this sort were the anarchists who sought to make a "saint" of John Brown. In numbers they were utterly insignificant, constituting less than one in 20,000 people in the Northern States. As voters they were nothing, since they could not contaminate their fingers or their consciences with any vote which had the protection of the constitution, called by them "a league with death and a covenant with hell." But in brazen defiance of law, and in perpetual din and noise, these advocates of anarchy, these "howling dervishes," as Dr. Leonard Bacon used to call them, were equal to Olympian Jove with all his thunders.

North and presaged the near approach of the storm that had been brewing so long, became the subject of Congressional investigation and of heated but now useless debates. Senator Andrew Johnson on the 12th of December made a speech of more than two hours in length that commanded the attention of the country, and in Memphis, where it was published by the *Appeal* with commendatory editorial comment, and went far to neutralise the effect of the previous speech, for which the *Appeal* almost found provocation to "read him out of the party." This speech helped, too, to mollify the people who had for a generation confided in F. P. Stanton, who, in November, had gone over to the "Black Republican Party," to whose tenets, diametrically opposed to those he had upheld so long in Congress, he felt a prey while secretary of the disputed territory of Kansas. Mr. Johnson's speech was an exhaustive review of the bloody history of that territory, and of the events leading up to the "Harper's Ferry raid," which he showed was the natural result of the inherited tendencies of New England to regard the South with enmity, that it "was the legitimate result of certain teachings for a great number of years in this country." He began by calling the attention of the Senate and the country "to doctrines promulgated in reference to the North and South prior to the year 1800, about ten years after the Federal government was formed," and read an extract from the fourth volume of Mr. Jefferson's works, an entry under the head of December 13, 1803, which sets forth that "the Rev. Mr. Coffin, of New England, who is now here soliciting donations for a college in Green county, Tenn., tells me that when he first determined to engage in this enterprise he wrote a paper recommendatory of the enterprise, which he meant to get signed by clergymen, and a similar one for persons in a civil character, at the head of which he wished Mr. Adams to put his name, he being the president of the United States, and the application going only for his name, and not for a donation. Mr. Adams, after reading the paper, and considering, said he saw no possibility of continuing the union of the States; that their dissolution must necessarily take place; that he therefore saw no propriety in recommending to New England men to promote a literary institution in the South; that it was in fact, giving strength to those who were to be their enemies; and, therefore, he would have nothing to do with it." "Thus we find," said Mr. Johnson, "that prior to the year 1800, when a simple application was made to the elder Adams for the use of his name by a New England man, the Rev. Charles Coffin, to solicit subscriptions to aid in building up an institution in the South, it was refused on the ground that the South would ultimately become, and was then in point of fact, the enemy of the North; and that as dissolution would finally take place, it was a bad investment for Northern men to put their funds in Southern institutions. I referred to this circumstance, which is familiar to me, as a beginning point, as a specimen brick of the building out of which this whole fabric has been reared against the South and her

institutions. In the Twenty-seventh Congress, at the extra session, John Quincy Adams said, upon the celebrated twenty-first rule, prohibiting the reception of Abolition petitions, that 'if the free portion of this union were called upon to expend their treasure to support that cause which had the curse and displeasure of the Almighty upon it, he would say that this same Congress would sanction an expenditure of blood and of treasure, for that cause itself would come within the constitutional act of Congress; that there would no longer be any pretension that Congress had not the right to interfere with the institutions of the South, inasmuch as the very fact of the people of a free portion of the Union marching to the support of the masters, would be an interference with those institutions; and that in the event of a war (the result of which no man could tell) the treaty-making power comes to be equivalent to universal emancipation.' And do we not see," says Mr. Johnson, "the whole idea, to get up a foray, make a descent on the State, establish a provisional government, and if the Federal government is called upon to interfere, under the treaty-making power, we will emancipate all your slaves? This idea has been longer inculcated than many are willing to believe." Mr. Adam's speech continues: "This was what he had then said, and he would add to it now that, in his opinion, if the decision of this House, taken two days ago, should be reversed, and a rule established that the House would receive no petition on this subject, the people of the North would be *ipso facto* absolved from all obligation to obey any call from Congress. Here," concludes Mr. Johnson, "is the whole doctrine laid down, broad and wide, upon which these recent depredations were committed. They have been the result of teachings like these. The idea was thrown out as to the manner in which the Federal government could be caused to interpose, and how, by its interposition, under the treaty-making power, all the Southern slaves were to be emancipated. This is what Mr. Adams said in the Twenty-seventh Congress, sixteen years ago. About that time in a letter written to the Abolitionists of Pittsburg, on the subject of anti-slavery societies, he said on the subject of Abolition, Abolition societies, anti-slavery societies, or the Liberty party: 'I have never been a member of any of them. But, in opposition to slavery, I go as far as any of these; my sentiments I believe very nearly accord with theirs. That slavery will be abolished in this country, and throughout the world, I firmly believe. Whether it shall be done peaceably or by blood, God only knows; but it will be accomplished, I have no doubt; and by whatever way, I say, let it come. If it is to come by blood, let it come.' That was his language then, and that was the purpose of the Abolitionists, and the Southern people believed a purpose aided and abetted by the Republican party." Full of this conviction and satisfied with the way in which Virginia executed justice and upheld her sovereign dignity, the Southern people became less demonstrative. The firm resolution for defence which was to uphold them through four years of war was beginning to assert itself and they put away all purpose of contention or wrangling

in or out of Congress. They were getting ready for the worst. There was nothing like military preparation, nor, as has been alleged, conspiracy on the part of leaders or people looking to secession. What was said and done was "open and above board," following the dictates of the frankness that was habitual with all classes. There was merely a growing determination to defend their property and their constitutionally guaranteed rights in every part of the Union, but especially in their own States. There was no hubbub or confusion, no noisy declaration or declamation. The time had passed for that. Their attitude was one of expectancy, they awaited events in conscious rectitude of a purpose to defend themselves up to the last moment of endeavor in exhaustion of the constitution, let come what might afterwards. Memphis, in the very heart and the emporium of the cotton belt, shared in this feeling and became the embodiment of it, yet there was no interruption of its growth or prosperity. Its population increased and its commerce grew, and all its energies were redoubled in the establishment of many promising manufactures. The board of mayor and aldermen inaugurated the year by the consideration of the long agitated question of water-works, the city's finances, the condition of the schools, the building of two market-houses and of public cisterns, of $100,000 subscription to the Mississippi and Tennessee Railroad, as Colonel White, its president, stated to purchase iron, the condition of the jail and work-house, both reported "loathsome and horrible, not fit for a good dog to lie in," the settlement of the indebtedness to the city of the Memphis and Louisville Railroad, amounting to $77,000, which Colonel Robertson Topp explained it would not be able to meet at maturity, direct trade between Memphis and Europe, the purchase of ground for a potter's field, the proposed Nicholson pavement, the close of the fiscal year in June showing that but little had been done, notwithstanding the number of days of long sessions taken up mainly with gab. R. D. Baugh was, in the last week of this month, re-elected mayor by 1,139 votes to 1,039 for John Park and 563 for John Martin. In July the question of extending the Memphis and Charleston Railroad to the river was taken up again and with it that of connecting all the railroads by a street car line; and the revenue and expenses of the public schools were reported to be $21,275. In August the bell-ringing nuisance was discussed and ordered abated by ordinance. It was so very bad that Alderman Elder stated that "on a certain street in the city there was an engine house, the bell of which was kept continually ringing, so that not a live baby had been born in the neighborhood since it was hung there." On the 14th of the month Alderman Milton resigned, as he stated, on account of the financial mismanagement of public affairs and the time taken up in useless debates and mere talk.[1] Pertinent to this, a state-

[1] Mr. Michael Mageveney, a citizen who was highly esteemed for his sterling integrity, and who was elected on the 1st of March to fill a vacancy in the representation of his ward in the board of mayor and aldermen, declined with thanks, knowing as he did, "that an angel from heaven could not please his constituents in the capacity of alderman in the city of Memphis."

ment was made by the mayor that up to the 15th the city expenditures amounted to $30,707.51. On the 19th the navy yard school-house was ordered given up, and that the question of the Memphis and Charleston Railroad's connection with the Centre Landing be submitted to the people, also the question of granting the right of way upon the streets to private companies for street railways. In October, the question of a ferry between Memphis and Hopefield, for the Memphis and Little Rock Railroad, was favorably discussed, and on the 3d of November Alderman Kortrecht reported that the interest of the railroads, as well as of the public, and the city as stockholders of the road would be greatly promoted by having its own ferry; he therefore recommended granting to the company for a term of years—ten or twenty—the privilege of the city to apply for a ferry license, the ferry after the first five years to be used solely for the purpose of the road, the city only being able to grant the privilege, or the County Court a license, so far as relates to the Tennessee side, Arkansas must do as much on the other side. On the 12th of November it was announced that the people had voted against the proposition to permit the Memphis and Charleston Railroad to connect with the Centre Landing or the navy yard. For this reason Mayor Baugh vetoed the street railroad propositions, which granted permission to the companies to carry freight as well as passengers, but the board of aldermen passed it again, but amended so as to confine the business to the carrying of passengers, leaving the subject of freights open for future legislation, Washington street being exempt from the contract and Front Row being substituted for Main street. On the 9th of December the amended ordinance was further amended so that the charter should not prevent the formation of other railroad companies, or the making of any street improvements. On the same day O. C. Woodward, R. C. Cross and W. A. Lofland petitioned for the privilege of laying down a street railway along the line of Washington street from the Memphis and Charleston depot to run for ten years, and to pay four per cent. of their gross receipts to the city, the cars to be run by horse power only. A memorable incident in the proceedings of the board, and one that explained some of the difficulties that beset the city and the city government, was the presentation by Alderman Elder on the 6th of December of a report from the committee on accounts nearly three yards long, which he said represented "the crimes of Memphis," and another of equal length which represented, he said, "the misfortunes of Memphis." During the year the incidents effecting the press were, in the first week in January, the announced prosperity of the *Bulletin*, of which Mr. F. Y. Rockett became the associate editor; on the 9th the announcement that Charles Stone had become a member of the editorial staff of the *Appeal;* and on the 11th that Messrs. Yancey, Joiner & Parkman had become partners with Captain Whitsitt in the publication of the *Ledger;* on the 2d of March the destruction by fire of the *Eagle and Enquirer*, carrying with it the type and

material of five newspapers; on the 5th of April the announcement that Oliver Lucas was to be connected with the *Appeal* staff; on the 9th of May the death of A. H. Avery; on the 16th of the same month the appearance of the *Argus*, under the management of Priddy, Hay & Brower; on the 31st of July the enforcement of the Sunday ordinances against the sale of papers on the streets by newsboys, compelling the publishers to keep their offices open until ten o'clock to meet the public demand. The musical and theatrical attractions of the year were four concerts by Parodi, beginning on the 13th of January; Edwin Booth at the theatre for a week, beginning on the 23d of February, playing in Sir Giles Overeach, Richard III, the Apostate, the Iron Chest, and the Taming of the Shrew; a concert by Picolomini on the 5th of March; a concert by the great basso, Carl Formes, on the 15th of March; an entertainment by "Jeems Pipes" on the 3d of May, consisting of character sketches, songs and recitations both grave and gay; lecture by the Hon. Thomas F. Marshall, at the Gaiety Theatre, on the "Great Men of the Nineteenth Century—Clay, Webster and Calhoun." The things of general interest transpiring or worthy of mention during the year were: On the 17th of February the reception by the Steuben Artillery of a battery of brass field pieces, presented to the company by Governor Harris; on the 6th of March the printing by the *Appeal* of the first receipt ever given in Memphis by a newspaper for subscription, as follows: "Received (by the hands of Major M. B. Winchester) Three Dollars from E. Coffee for the *Memphis Advocate* for one year, commencing on the 10th of January, 1827. (Signed) Royall & Phœbus." On the 19th the death of General W. T. Haskell announced as having occurred at the lunatic asylum at Hopkinsville, Ky.; debate on spiritualism between Dr. Barber and Professor Britton; on the 26th of April the explosion of the boilers of the steamer *St. Nicholas*, near Helena, and many lives lost; removal of the dead from Morris Cemetery; on the 15th of May establishment of a branch of the publishing house of the Methodist Episcopal Church; on the 18th the destruction by fire of the Stephenson Block, including seven business houses, and causing a loss of $120,000; on the 3d of June the loss by fire of a building in the navy yard, valued at $13,000; on the 11th the death of Phillip Flavis, a musician and music dealer, held in high respect; on the 16th the death of Dr. Tuck, for many years secretary of the board of health; on the 16th departure of Mr. Roselle of the *Appeal* for St. Louis, to examine and report upon the *modus operandi* of the Chamber of Commerce of that city; on the 7th of July the death of Mr. Rawlings; on the 11th the election of Dr. Martin to be president of the city board of health and Dr. R. W. Mitchell to be secretary; on the 9th of August a planing-mill and five dwellings destroyed by fire, loss $100,000; on the 12th the agitation of the construction of the St. Louis and Memphis Railroad for subscriptions to the amount of $100,000 in stock, of which books were opened on the 19th; death of Dr. Rayland on the

12th; agitation on the 14th of the annexation of Fort Pickering and Chelsea; on the 13th of September death of Fred Orgill, brother of Edmund Orgill; in October, publication on the 4th of the address delivered by Colonel Sam. Tate before the St. Louis Chamber of Commerce, upon the extension to Memphis of the Iron Mountain Railroad; on the 9th the formal opening of the two new market houses, and death of Professor S. G. Starks, of the State Female College; on the 11th of October the testing of the Nicholson pavement laid down on Jefferson street, between Main street and Front Row, which was pronounced sound by Mayor Baugh; on the 11th the McCombs iron tie pronounced better than Fassman's; on the 29th the election of the Rev. Dr. White to be rector of Calvary (Episcopal) Church in place of Bishop Otey; on the 30th the death of ex-Governor and ex-United States Senator Jones; on the 3d of November beginning of the races, which were to last one week; lecture on the 6th on spiritualism, by Miss Emily Hardinge, who afterwards became the wife of Professor Britton, previously mentioned; on the 12th, death of L. P. Fowlkes; on the 17th, railroad convention, composed of delegates from Tennessee, Arkansas and Missouri, which adopted resolutions in favor of the Iron Mountain Railroad from Pilot Knob to Memphis; on the same day, meeting of the Memphis Annual Conference of the Methodist Episcopal Church; on the 4th of December preliminary meeting to establish the Commercial Bank of Memphis; on the 9th Mayor Baugh and Dr. Dickinson shoot at each other, the latter being wounded, the former escaping unhurt, the difficulty being afterwards adjusted; on the 17th, convention of steamboat and railroad passenger agents, held to "cause the business to be recognised as an honorable one," and advance their interests generally; on the 20th, arrival of Colonel C. Carroll Hicks, of the Mexican army; on the 22d the merchants decide to establish a Chamber of Commerce in the spring; on the 30th, death of ex-Mayor G. B. Locke, a good citizen and upright man, who, the *Appeal* said, editorially, "enjoyed the general respect, confidence and esteem of the people."

XII.

THE United States census taken in 1860 showed that Memphis had made very rapid strides since 1850. The population of the city was in the latter year by United States census declared to be 8,841; white 6,345, black 2,486; in 1860 it was 22,643; the taxable wealth which in 1850 was only $4,600,000, had grown to be in 1860 $21,500,000. The population had in this decade grown threefold, and the wealth had increased nearly 500 per cent. In 1850–51 the amount of cotton received was 163,000 bales, valued at $6,500,000; in 1851–52 it was 172,000 bales, valued at $6,880,000, but in 1859–60 it was 398,791 bales, valued at $18,481,650, which added to the

$35,000,000 that by careful estimate represented the yearly transactions of all the other and general business of the city, made a grand total of $53,481,650. This very rapid increase in population, wealth, and trade was largely due to the railroads that had been built—the Memphis and Charleston with all its ramified connections, at Grand Junction, with the Mississippi Central; at Corinth with the Mobile and Ohio; at Decatur with the Nashville and Decatur; at Stevenson with the Nashville and Chattanooga; thence on to Chattanooga, a rising city itself, with the East Tennessee and Virginia Railroad, connecting it with all the north and northeastern lines, and the whole Georgia and South Carolina network of railroads; the Tennessee and Mississippi Railroad, not quite finished but giving access to the most fertile and productive regions of Mississippi, and connecting in a direct line with New Orleans; the Memphis and Ohio, completed to Paris, one hundred and thirty miles, leading to the north boundary of the State and thence on to the lakes, crossing the Mobile and Ohio Railroad, and the Mississippi Central Railroad, and the Northwestern which were not quite completed. The Legislature recognising the force of these facts and statistics and the consequent necessities of the city amended its charter in many important particulars by several acts. The county revenue collected in the city was taken from it and given to the county, which was charged with the cost and maintenance of the courts; the jail was surrendered to the city; the board of mayor and aldermen were empowered to issue with the consent of the people at the polls $500,000 for paving the streets and wharves with iron or cobble stone, $400,000 in aid of the Memphis and St. Louis Railroad, $250,000 to complete the Mississippi and Tennessee Railroad, $250,000 to complete the Memphis and Ohio railroad, $250,000 to complete the Little Rock Railroad, and $250,000 to fund the outstanding indebtedness of the city, a total of $2,400,000; to abolish the office of city marshal and create that of chief of police; to assess property, and take census of school children every year; to elect a tax collector; to levy a special tax for the improvement of the streets; to provide for the compensation of aldermen by the vote of the people; and declaring all city property exempt from State and county taxation. Another act made the loan of $70,000 by the city to the Memphis and Ohio Railroad Company, which President Topp said it could not pay, a subscription to the capital stock of that company; empowered the city to close streets and alleys with the consent of the people; and granting the Ohio Railroad company to condemn the right of way from Main street to the depot in the Navy Yard. Another act empowered the mayor to make pro tempore appointments of officers for fire companies and exempted firemen from jury duty after five years service. Another act amended the act of 1858, creating a board of school visitors for Memphis, and increased the limit of the school tax to $15 for each white youth between the ages of six and eighteen; and the board was authorised to erect buildings at a cost not to exceed $75,-

000, except by a vote of the citizens; and permission was also given the board of mayor and aldermen to issue bonds for the whole or a portion of the amount expended. The Legislature also granted a charter for the People's Passenger Railroad Company of Memphis to B. F. Dill, A. M. Foute, H. A. Orne, Charles Hathaway, C. C. Cleaves, W. P. Lewis, Joseph Bruce, Henry D. Small, R. M. Kirby, William C. Bryan, and William Kirk. The Legislature also passed a conventional vote of interest act which was to help Memphis to an increase of the capital which was more than ever necessary because of the number of buildings and blocks that were being erected in every part of the city. This bill provided that money might be loaned at a rate of interest as high as ten per cent. provided that an agreement to that effect was expressed on the face of the note. It also repealed all "shavers" licenses and allowed any person to purchase notes at a rate of discount not to exceed ten per cent per annum. This was received as a timely measure by real estate owners especially, who could not find at the banks all the accommodations they needed. The people were prospering as they never did before, but the city itself was sinking deeper and deeper into the quagmire of debt. The board of mayor and aldermen confessed the city too poor to purchase a town clock, and Mayor Baugh was contemplating a visit to Charleston to borrow money for the city, the financial condition of which was kept hidden, even from the finance committee of the board from both of which Alderman Nelson resigned in April because of that fact. The *Appeal* had been constant in its endeavor to bring public opinion to bear upon the aldermen and force them into better ways, into something like system, but until this year with little prospect of success. On the 14th of April following up its editorial on the resignation of Alderman Nelson, it declared that the money of the people had been misapplied without authority, and it proved by the testimony of ex-Alderman Milton that notes had been given without authority; by Aldermen Hughes and Kortrecht that debts had been contracted without authority; and by City Register L. R. Richards that money had been paid without authority. This was a very strong indictment, yet in the face of it the people voted the sums authorised by the Legislature to build water works, and for the funding of the outstanding indebtedness of the city. In June Mayor Baugh was re-elected, and he promised in his first message read to the board on the 6th of June to have a complete financial statement ready very soon. In the discussion that followed upon the reading of this message, Alderman Forrest, at whose instance the salary of the city treasurer was increased from $600 to $800, stated that some of the former treasurers had not settled their accounts with the city until nine months after the time prescribed by law. At the same meeting Tax Collector Bowen reported that his entire collections for the last year (1859–60) were but $37,302.77. Many of the property owners were evidently banking on the taxes they owed the city. The *Appeal* estimated that the tax for 1860–61 added to the uncol-

lected taxes of the previous year and $250,000 voted for funding purposes would make a total of $700,000, added to which there was the $500,000 for water works. The financial situation could not well be more deplorable. The city was under protest in New York for the sum of $16,000, and the mayor could only promise that the money would be sent forward in a few days, as he had $10,000 or $11,000 of it ready. The city's affairs were in a shiftless condition and without system. Alderman Hughes in a speech before the board on the 10th of July said it had just come to light that the paving of the wharf which was to cost but $17,000, would "come near to $43,000;" and Alderman Robinson said the chain gang cost the city $20,000 a year, and "that the city would be a gainer by shutting the prisoners up in the calaboose." The paving of the streets was still a matter of discussion, many of the aldermen being wholly ignorant of the subject. They were afraid to commit themselves to the Nicholson pavement, but they were not afraid to pay the accounts of the contractor for paving the wharf which Alderman Hughes denounced as "a fraud upon the corporation." Nor were they afraid to pay the accounts of the contractors for gravelling the streets, whose work Alderman Jones said by no means came up to the contract as the gravel was not screened. It seems as if indifference and ignorance were then working the ruin of the city. There was no evidence of collusion, corruption or bribery, or bargain and sale, but in all departments there was what one alderman termed "a happy-go-lucky indifference." If things turned out all right, well; if not, it could not be helped. Alderman Martin with Alderman Robinson was very earnest in efforts to solve the problem of municipal necessity and financial blindness. He therefore seconded on the 17th of July a resolution of Robinson for the appointment of an investigating committee with power to employ a clerk, and with authority to send for persons and papers. These gentlemen were anxious that the books and papers of the city should be overhauled. The committee was appointed, was composed of Aldermen Robinson, Vollentine, Hughes, Crews and Morgan, and Mr. Leavitt Lawrence was appointed clerk. Alderman Martin continued his investigation and exposures. He made a clear exposition of the sale of the stock of the Memphis and Charleston Railroad, owned by the city, which was a stupid transaction which Alderman Forrest at the time it was discussed denounced, though he subsequently profited by it. He complained of the filthy condition of the streets, especially of the alleys, Center alley at the time being described by the *Appeal* as "no better than a reeking dung-hill." On a motion at a meeting on the 26th to increase the salary of the street commissioner and allow him to feed his horse at the public stable, Alderman Mahoney said it was a notorious fact that city officials were in the habit of buying poor horses at low prices, fattening them at the stables, and then selling them at a profit. There was taxing in every department. On the 28th of July a report was made of the very bad condition of the public

school buildings, not one of which was owned by the city. On the last day of the month the investigating committee reported that Mr. Bowen's books were in a satisfactory condition, and that as far as could be judged, he performed his duties promptly and satisfactorily, but there was a great want of system in various departments, and great facilities existed for fraud. No change was made because the officers were men of integrity, but from that time all the employees of the city should be held to a strict accountability. To facilitate this the office of comptroller was created by an ordinance introduced by Alderman Martin, by whose continued efforts also an investigation of the sale of the city's stock in the Memphis and Charleston Railroad was ordered, and the question of a paid fire department, and the uniforming of the police was discussed. Alderman Forrest at the meeting on the 10th of August resigned, assigning as a reason that things were in a very bad fix, and the wrangling and financial difficulties were more than he could stand and attend to his private affairs. His place in the board was tendered to Mr. John Park, who was elected thereto at a meeting held on the 21st of August, whereat it was resolved to sue Sam Tate & Co., for the city's stock in the Memphis and Charleston Railroad sold to them by a former board; and it was also resolved that the city under the recent act of the Legislature to that effect, demand from the county the keys of the jail. which was described as worse than the Black Hole of Calcutta. It, too, was the result of a job. It cost from $45,000 to $50,000, and was to have been built on the best plans, but they were disregarded, and the result was a place that Alderman Mahoney declared he would not keep his dog in. Mr. Park refusing to take Alderman Forrest's place in the board it was offered to Mr. Michael Mageveny, who also declined, and Judge Selby was elected to fill it. Mayor Baugh on the 5th of September vetoed the resolution of the board to sue for the recovery of the city's Memphis and Charleston stock, but on motion of Alderman Merrill his veto was not received. The *Appeal*, which kept watch and ward over the city's finances as closely as the confusion in its affairs would admit of, asks, "Where are the water works for the erection of which $250,000 had been voted at the last municipal election." But the sale of the Charleston stock was the one thing uppermost in the public mind. An attempt was made to invalidate the proceedings of the board looking to its recovery, and declare them illegal because there was no record of the proceedings; but it failed, and on the 6th of September a bill was filed in the Chancery Court to recover it. On the 11th Alderman Morgan filed his protest against this action by the board, and it was ordered spread upon the minutes. The *Appeal* reported something wrong somewhere. The aldermen continued to make a bungling mess of the city finances and city affairs. For some reason the appointment of a comptroller was postponed until the last week in November. The *Appeal* said this was because of "some peculiar workings of members interested." Things were in a hopeless mess of confusion. While Alderman Joiner was demanding con-

formity to the charter by the board of mayor and aldermen in the matter of the publication of a detailed statement of the receipts and expenditure in two daily newspapers within one month after the close of the fiscal year, the council proposed to sell its $250,000 in bonds of the Mississippi and Tennessee Railroad for $125,000, which however failed by the continued efforts of the *Appeal*. It also agreed at the same meeting, on the 9th of November, to lend $3,000 to the Mississippi and Tennessee Railroad for the survey of the Yazoo Branch, and issue $250,000 of city bonds, if the people at the polls agreed to it. But this last scheme was vetoed by the mayor in face of the expose of the city's financial condition being made by the comptroller—as, for instance, that the expenditures for the two weeks preceding the meeting of the board on the 24th of November amounted to $36,840.95, and that the city debt had been increased from $450,000 on the 30th of June, to $596,742 on the 4th of December, a sum entirely independent of the railroad bonds for which the city was responsible, and which eventually she was compelled to pay. The stupidity, obtuseness and ignorance manifested by the board in nearly all its financial operations was amazing, especially in view of the fact that individually the members had been successful in business, or at law, and were men of unimpeached integrity. They seemed to be acted upon by an invisible power and to reverse all the maxims by which they had been prudently and sensibly guided in the direction of their own affairs, whenever they approached the consideration of city receipts and expenditures. From the confusion caused by this inexcusable blundering in the city's financial affairs, the people of Memphis were called on the 3d of October, when the newspapers published detailed accounts of the execution of General Walker at Truxillo. The famed fillibuster had attempted his third invasion of Nicaragua, but failing, had surrendered to the captain of the British man-of-war (*Icarius*), who had betrayed him into the hands of the Hondurians, by whom he was hastily tried, and summarily executed, the survivors among his followers being after a time returned to the United States. And thus perished the most noted buccaneer of modern times, a man who by the very defects and perversions of his moral nature was admirably fitted for participation in Central American political intrigue, and for easy adaptation to the restlessness, conspiracies and duplicities of a singularly mixed race, that has never since the Spanish conquest been able to adjust itself to any of the stable standards of modern civil government. Fickle and treacherous, they flocked to his standard as readily as they afterwards deserted it. They were attracted to him as to a famous adventurer, the last to issue a *pronunciamento;* but they were as quickly attracted by the next proclaimer, though he was the veriest among ragamuffins. They were oblivious of their duplicity. It was their right to change; it belonged to free men to follow their convictions, no matter how often these were changed; and in leaving Walker to his fate, they were merely following their conviction that he could not up-

hold himself against the British and the United States government with the property rights of whose citizens he had interfered, and against whose declared policy of opposition to slavery he had restored that evil in Nicaragua. Walker's last venture was a blunder. In attempting it he tempted his fate too far. His death was much mourned in Memphis, where he had many sympathisers, and a few former companions in arms. It was mourned on his own account, too, but by many on account of his loss to the South at a time when she was likely to need all the soldiers she could command, especially men who had seen service. The events of this eventful year, and the incidents, personal and otherwise worthy of record were—in January, the resolve of the board of mayor and aldermen after the destruction of a block of buildings and the Gaiety stables, worth in all $100,000, to organise a paid fire department, and order steam fire engines. In February, on the 5th, the killing of James L. Webb, a well-known merchant, by Thomas B. Mynatt, who was indicted for murder the next day, but finally, and after change of scene and a long protraction of trial escaped; on the 26th the warm compliments of the press extended to the Southern Express Company, whose principal officers in Memphis—Hamilton Borden and M. J. O'Brien—were much extolled for their promptness and attention to business. In March, on the 6th, the opening of the Dwight-Gill Cotton Compress; on the 16th the statement of the rapid growth of the manufacture of cotton-seed oil, meal and cake, which had become among the most important of the exports of Memphis; on the 26th the establishment of the Chamber of Commerce, and the election of Thomas W. Hunt, president, and John S. Toof, secretary. In April, on the 3d, the formation by the ladies of the city of a society for helping the poor; on the 10th the agitation of a house of refuge. In May: on the 15th the agitation again of the establishment of a public library; on the 25th the opening of the Memphis and Ohio Railroad to Paris, Henry county, celebrated by a barbecue and speeches; on the 28th a serious riot between fire companies, and on the 31st the presentation of a flag by "Southern girls" to the Southern Guards. In June, on the 3d, petition by the citizens to the council, to permit the street railway to lay its rails on Main street; on the 6th return of Stephen D. Kennedy, from Cleveland, O., charged with abandoning his wife and child, and with a paramour, robbing them of negroes, jewelry and clothing, but finally escaped punishment; on the 29th the adjustment by Mr. B. A. Massey and S. P. Bankhead of a difficulty between Mr. John Park and Alderman John Martin. In July the removal of W. H. Carroll, postmaster of Memphis from office, and appointment of M. C. Galloway, editor of the *Avalanche*, thereto; on the 10th death of George W. Smith, a well-known lawyer; on the 15th suicide of Professor E. Jones, teacher in a school for girls near the city; on the same day, election of Mr. Leroy Pope to be superintendent of public schools, and presentation of a cane to Colonel W. H. Carroll, by the employees of the post-office. In August, on the 24th, the opening of the

Southern Express Company's new building, in which the Chamber of Commerce hold their first meeting, and inaugurate the regular business on the 4th of September under circumstances of exceptional éclat. On the 20th of September delegates to a convention to be held at Cincinnati, to devise ways and means of direct railroad communication with that city and Memphis; on the 26th death of Colonel Richard E. Orne. In October, on the 6th, the opening of the Shelby County Agricultural Fair, the net receipts of which were $500; on the 28th arrangements for the building of a home for the homeless, completed, with Mr. Joseph A. Miller, architect, fifteen acres of ground on the Raleigh Road having been purchased for that purpose. In November, on the 10th an almost panic in the cotton and money market, growing out of the threatened political difficulties between the States; on the 12th death of Sam Carpenter, another son-in-law of Doctor Merrill; on the 21st death of the Hon. W. F. Haile, cashier of the bank of Tennessee. In December, on the 6th, the *Appeal* reports a series of riots by the laborers employed on the Memphis and Ohio Railroad; on the 11th Lizzie McPherson, thirteen years old, burned to death in the State Female College; on the 15th destruction by fire of the Calhoun block and loss of $150,000. The incidents in the life of the press that were noteworthy were in March: the accession of Mr. J. M. Keating to the staff of the *Bulletin;* on the 31st death of Mr. Collin M. Campbell, of the *Avalanche*, at Columbia. In July sale by Colonel Leon Trousdale of his interest in the *Appeal* to Colonel B. F. Dill. In August the announcement of M. W. Cluskey's connection with the *Avalanche* as editor. In September, on the 23d, assault upon Mr. F. M. Gailor, of the *Avalanche*, by two ruffians. In November, on the 29th the *Appeal* took possession of its new office on Union street. In December, on the 25th, Mr. Cazauran, editor of the *Argus*, denies the Cincinnati *Commercial's* charge of his having been previously and for three years a prisoner in the State prison at Sing Sing, New York; said he believed his name was assumed by a prisoner in that penitentiary, and that he would sue the *Commercial* for libel. The amusements of the year were the Florences at the theatre, on the 11th of January; Barney Sullivan at the same place on the 25th; lecture by the Rev. J. B. Ferguson at Odd Fellows Hall on the 29th; concert at the theatre by the Gazzaniga Opera Troupe on the 18th of March; concert by Carlo Patti assisted by amateur talent, at the Odd Fellows Hall on the 18th of September; the organisation of the Philharmonic Society with Carlo Patti for president and conductor; concert by Adelina Patti, at Odd Fellows Hall on the 14th of December.

XIII.

THE people in Memphis had other things to vex them in 1860 besides the dilatoriness, the confusion, the extravagance and the waste of time and words of the board of mayor and aldermen. National politics, before the year closed, had reached the point of revolution. The people of the North as well as the South were beginning to assert themselves away beyond their leaders who had worked them up to the extremity where discussion and persuasion cease to have any weight or effect. When the year opened it brought with it the gravest apprehensions for the future of the country. The Republican party had grown to proportions of almost equality with the Democratic party, and had reached a strength that constituted a menace by one section upon the rights of the other. It is true it disavowed any intention or purpose of aggression upon slavery in the States where it existed, but it boldly declared its cardinal principle to be opposition to its extension, and that Congress had a right to interfere to prevent its existence in the territories. All the compromises and compromise lines had been swept away and the Republicans felt themselves free to declare against any more slave territory. Slavery was to be confined to its existing limits as a thing at war and at enmity with free institutions, to be stigmatised and to be depredated upon whenever and wherever opportunity offered. It was remembered by the South that the admission of Kansas under the Lecompton constitution, which President Buchanan had urged in a special message, though carried in the Senate was defeated in the House in April, 1858, by a vote of 120 to 112, twenty-two Democratic votes being cast with the majority. It was also remembered that Senator Douglas in his memorable debate with Mr. Lincoln, in Illinois, in 1858, in answer to the direct question of the latter, had promulgated his "Freeport doctrine," in which he declared that no matter what the Supreme Court might decide the people had a right to make a free or slave territory of it. This was a declaration at variance with his utterances when debating the repeal of the compromise and the Kansas-Nebraska bill, when he insisted that the question of slavery in the territories should be a judicial question, and that a decision thus rendered should become a doctrine of the Democratic party. These notes and speeches were beginning to make their true meaning and intent felt—that a man not identified with slavery and directly interested in it could not defend it. He could not feel the force of an adequate or heartfelt and convincing defense of its constitutionality. Thoughtful men were beginning to see and admit that a man living in and committed to the laws and convictions of a free State must, if only to that extent, be an antagonist of slave State laws and convictions. They could understand the words of Lincoln's speech at the Cooper Institute, New York, which were still ringing in the public ear, wherein he told his hearers that the South would not

accept anything but absolute acquiescence in their extreme views. "Silence," he said, "will not be tolerated; we must place ourselves avowedly with them. Senator Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our free State constitutions. The whole atmosphere must be disinfected from all taint of opposition to slavery before they will cease to believe that all their troubles proceed from us." Mr. Lincoln, by his debate with Douglas, and his speeches in 1859, had become the Jefferson of the Republican party. He formulated its doctrines and defined the limitations of slavery as he read them in the Federal constitution and the Declaration of Independence. Out of comparative obscurity he had reached the centre of national life by a bound. His antagonism of the ablest of the leading Democrats in an unlimited discussion of the great question at issue had made him the figure head of the Republican column, and he was beginning to be made the target for abuse by the Democratic newspapers, as he was the object of the eulogies and panegyrics of the Republicans everywhere. Full of the anxiety thus aroused for the ultimate result and outcome of the presidential campaign the Democrats of Shelby county assembled in convention at Raleigh on the 4th of January, to elect delegates to the State Convention, which assembled in Nashville on the 18th, George W. Jones, of Lincoln, presiding. This was a very harmonious body. It presented Andrew Johnson as the candidate of Tennessee for the presidency, adopted resolutions eulogising him and Governor Harris, elected William H. Carroll, of Memphis, one of the delegates to the National Convention to be held in Charleston, and nominated Landon C. Haynes and W. C. Whitthorne for electors for the State at large. The resolutions of this convention—nine in number—1, re-affirmed the platform of the Democratic party, adopted in convention at Cincinnati in June, 1856; 2, declared that the views expressed by the Supreme Court of the United States in the decision of the case of "Dred Scott" were a true and clear exposition of the powers reposed in Congress upon the subject of the territories of the United States, and the rights guaranteed to the residents in the territories; 3, that the States of the Confederacy were equals in political rights, that each State had the right to settle for itself all questions of internal polity; the right to have or not to have slavery, is one of the prerogatives of self-government—the State did not surrender this right in the Federal constitution, and Tennessee will not now do so; 4, that the Federal government had no power to interfere with slavery in the States; nor to introduce or exclude it from the territories, and no duty to perform in relation thereto, but to protect the rights of the owner from wrong, and to restore fugitives from labor; these duties it cannot withhold without a violation of the constitution; 5, that Buchanan's administration was worthy of endorsement; 6, that they had the

fullest confidence in the wisdom and patriotism of the representatives of the party about to assemble at Charleston, and pledged their hearty support to the nominee of that convention; 7, that the organisation of the Republican party upon strictly sectional principles, and its hostility to the institution of slavery, which is recognised by the constitution, and is inseparably connected with the social and industrial pursuits of the Southern States of the Confederacy, is war upon the principles of the constitution and upon the rights of the States; 8, that the late treasonable invasion of Virginia, by an organised band of Republicans, was the necessary result of the doctrines, teachings and principles of that party; was the beginning of the "irrepressible conflict" of Mr. Seward; was a blow aimed at the institution of slavery, by an effort to excite a servile insurrection; was war upon the South, and as such it is the duty of the South to prepare to maintain its rights under the constitution; 9, that if this war upon the constitutional rights of the South is persisted in, it must soon cease to be a war of words. If the Republican party would prevent a conflict of arms, let them stand by the constitution and fulfill its obligations—we ask nothing more, we will submit to nothing less. These resolutions very fairly stated the attitude of the Democrats of Tennessee, and expressed the determination of the people to exhaust their constitutional resources in the maintenance of their rights. They also expressed the fear aroused by the organisation upon avovedly sectional lines of the Republican party which late in the month succeeded in electing William Pennington, a representative from New Jersey, speaker of the National House of Representatives, and John W. Forney, clerk of the House. This was a straw showing which way the wind blew, as was the passage of a bill by the Tennessee Legislature on the 24th of February, providing for the organisation of 154 regiments of militia. And the wind was blowing. On the 23d of April the Democrats met in National Convention at Charleston, and on the 30th broke up hopelessly and helplessly by the withdrawal of the delegates from the States of Alabama, Mississippi and Texas, and a portion of those from Delaware, Louisiana, Arkansas and Florida. This split was occasioned by the adoption by the Convention of the resolutions presented by a minority of the committee on platform, and as the withdrawing delegates protested by an almost sectional majority. This platform, so adopted, declared:

Resolved, That we, the Democracy of the Union in convention assembled, hereby declare our affirmance of the resolutions unanimously adopted and declared as a platform of principles by the Democratic Convention at Cincinnati, in the year 1856, believing that Democratic principles are unchangeable in their nature, when applied to the same subject-matters.

Resolved, That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad, and whether native or foreign born.

Resolved, That one of the necessities of the age, in a military, commercial and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

Resolved, That the Democratic party is in favor of the acquisition of the island of Cuba, on such terms as shall be honorable to ourselves and just to Spain.

Resolved, That the enactment of State Legislatures to defeat the faithful execution of the fugitive slave law are hostile in character, subversive of the constitution, and revolutionary in their effect.

The two platforms, reported by the majority, and which had received the endorsement of every Southern State, but were rejected by the convention, declared, the first series as follows:

Resolved, That the platform adopted at Cincinnati be adopted with the following resolutions:

1. *Resolved*, That the National Convention of the United States hold these cardinal principles on the subject of slavery in the Territories: First, that Congress has no power to abolish slavery in the Territories; second, that the Territorial Legislature has no power to abolish slavery in any Territory, nor to prohibit the introduction of slaves therein, nor any power to exclude slavery therefrom, nor any power to destroy or impair the right of property in slaves by any legislation whatever.

2. *Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the fugitive slave law are hostile in character, subversive of the constitution, and revolutionary in their effect.

3. *Resolved*, That it is the duty of the Federal government to protect, when necessary, the rights of persons and property on the high seas, in the Territories, or wherever else its constitutional authority extends.

4. *Resolved*, That the Democracy of the nation recognise it as the imperative duty of this government to protect the naturalised citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

5. *Resolved*, That the National Democracy earnestly recommend the acquisition of the island of Cuba at the earliest practicable period.

WHEREAS, That one of the greatest necessities of the age, in a political, commercial, postal and military point of view, is a speedy communication between the Atlantic and Pacific coasts; therefore, be it

Resolved, That the National Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill for the construction of a Pacific Railroad from the Mississippi River to the Pacific Ocean at the earliest practicable period.

SECOND MAJORITY REPORT.

Resolved, That the platform adopted by the Democratic party at Cincinnati be affirmed, with the following explanatory resolutions:

First—That the government of a Territory, organised by an act of Congress, is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory, without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

Second—That it is the duty of the Federal government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends.

Third—That when the settlers in a Territory having an adequate population form a State constitution, the right of sovereignty commences, and being consummated by admission into the Union they stand on an equal footing with the people of other States, and the State thus organised ought to be admitted into the Federal Union, whether its constitution prohibits or recognises the institution of slavery.

Resolved, That the Democratic party are in favor of the acquisition of the island of Cuba, on such terms as will be honorable to ourselves and just to Spain, at the earliest practicable moment.

Resolved, That the enactments of State Legislatures to defeat the faithful execution of the fugitive slave law are hostile in character, subversive of the constitution, and revolutionary in their effect.

Resolved, That the Democracy of the United States recognise it as the imperative duty of the government to protect the naturalised citizen in all his rights, whether at home or in foreign lands, to the same extent as its native born citizens.

WHEREAS, One of the greatest necessities of the age, in a political, commercial, postal and military point of view, is a speedy communication between the Pacific and Atlantic coasts; therefore, be it

Resolved, That the National Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific Railroad from the Mississippi River to the Pacific Ocean at the earliest practicable moment.

The points of difference between the Northern and Southern Democracy, as thus clearly defined in the adopted and rejected platform, were (1) as regards the *status* of slavery as a political institution in the Territories, while slaves remained in the Territories, and the power of the people of a Territory to exclude it by unfriendly legislation, and (2) as regarded the duty of the Federal government to protect the owner of slaves in the enjoyment of his property in the Territories so long as they remain such. The convention, as the Alabama delegates pointed out, should settle either of their propositions in favor of the South, the people of which denied the people of a Territory any power to legislate against the institution of slavery; and asserted that it was the duty of the Federal government, in all its departments, to protect the owner of slaves in the enjoyment of his property in the Territories. All the seceding delegates in the name of their States filed their protests against the action of the convention, which proceeded to take fifty-four ballots for a nominee for president, but without result, when it adjourned to meet in Baltimore on the 16th of June. The seceders, under the lead of Mr. Yancey,[1] had meanwhile met at St. Andrew's Hall and

[1] Mr. Yancey was a handsome man, of expressive eye and firm mouth, of fine physique and great powers of endurance. He was one of the ablest debaters and most fervid orators in the South—a most persuasive speaker, thoroughly convinced of the necessity of slavery, of the justice and right of it, and that, if not a divinely appointed institution, as many of the preachers of his day held was the case, it was existing by the will of the people, who conserved and profited by its use, to be protected and defended and perpetuated as any other species of property. Besides this, Mr. Yancey was a sectionalist. He, more than any other man, preached and labored for secession, for separation. If he did not in words admit the irrepressible conflict, he did so by what he did looking to the separation of the States. A good man — he was a fearless one — and he took with him always into debate the armor of one who felt his quarrel just. He was the foremost defender of slavery in the National House of Representatives, he was the moving spirit in the breaking up of the Charleston Convention, and he was the leader who piloted the secessionists, until, with the aid of the border States, they were able to form a convention of their own and nominate Breckenridge and Lane. He was the father of secession and pilot of secessionists, and it was the plan that he laid down that the Southern States followed out in all their subsequent proceedings up to the time of their withdrawal from the Union, and the formation of the government of the Confederate States of America.

adopted the second platform rejected by the convention, and adjourned to meet at Richmond, Va., on the 11th of June. Public meetings were at once and everywhere in order by the supporters of the seceders' platform and that of the convention, and steps were taken to fill vacancies in the convention by the Democratic organisations of the Southern States whose delegates had divided or had wholly seceded from the convention. The Democrats of Tennessee sustaining their delegates, endorsed the action of the Convention, the *Appeal*, explaining that the secession movement was not one of the South, and deprecating the course of the Yanceyites or Secessionists.[1] While the Democratic nomination was thus suspended, a remnant of the old Whig party under the name of the Constitutional Union Party, met in convention at Baltimore, and on the 11th of May nominated John Bell of Tennessee, and Edward Everett of Massachusetts; and on the 18th the Republican party in convention at Chicago, nominated Abraham Lincoln, of Illinois, for president, and Hannibal Hamlin, of Maine, for vice-president. The *Appeal*, in making announcement of these last nominations, urged the Democratic party to be wise and nominate the right man to oppose Mr. Lincoln, Mr. Douglas being, in its opinion, that man. On the 18th of June the Democratic Convention assembled at Baltimore. The seceders who had met at Richmond and had taken a recess to await events, made their appearance and applied for re-admission, but some of the States represented by them had elected other delegates, and the conflicting claims thus set up made confusion worse confounded. After four days of wrangling in and out of the convention, at public meetings, and in the columns of the newspapers, the delegates, wholly or in part, from Virginia, North Carolina, Tennessee, Delaware, Maryland, Kentucky and California, withdrew under the lead of Caleb Cushing, chairman of the convention. The delegates then remaining nominated Stephen A. Douglas, of Illinois, for president, and Benjamin Fitzpatrick, of Alabama, for vice-president, who declining the nomination the executive committee nominated Herschel V. Johnson, of Georgia. The seceders, under the chairmanship of Caleb Cushing, met at the hall of the Maryland Institute and nominated John C. Breckenridge, of Ken-

[1] The Mobile *Advertiser*, at the time the leading newspaper of Alabama, and the organ of the Democratic party of that State, agreed with the *Appeal* and accepted the platform of the convention and said, "There can be no positive objection on the part of the Southern Democracy to any plank, by itself, nor the platform as a whole. The convention, by an overwhelming vote, has pronounced it good in all parts, how, then, will the seceders make war upon it? Evidently they must fight it upon negative grounds,—not for what it affirms or denies,—but for something about which it is entirely silent, making neither affirmance nor denial. We may be mistaken, but it seems to us that it will be hard work for the seceders to convince their constituents that the once great, proud and united Democratic party should be broken up and hopelessly ruined on such an issue. The experience of the South in regard to Kansas and the repeal of the Missouri compromise one would think sufficiently bitter to make her statesmen pause and consider well before giving assent to new doctrines respecting slavery, be they ever so specious and plausible in appearance."

tucky, for president, and Joseph Lane, of Oregon, for vice-president. The Constitutional Union Party platform was implied in its name. They adopted a single resolution declaring that "they recognised no other political principle than the constitution of the country, the union of the States, and the enforcement of the laws." The Republican platform was "much like that of 1856, except that the conjunction of polygamy and slavery, peculiarly exasperating to the South, was dropped; a homestead law and protection for domestic manufactures in arranging the tariff, were demanded; and Democratic threats of disunion and secession were denounced." The political issues were thus clearly defined. Of the contending candidates for the presidency the career of Bell, of Douglas and Breckenridge, familiar to the whole country, has been made clear in the foregoing pages, but of Mr. Lincoln, new in the national political arena, but little was known. He was born in Hardin county, Ky., February 12, 1809, and removed with his parents in 1816, to Indiana, and thence in 1830 to Illinois, settling in Decatur, Macon county. He entered political life in 1834 in which year he was elected to the Legislature, in which body he continued to serve until 1843, studying law meanwhile and being called to the bar in 1835. In 1836 he removed to Springfield, the capital of the State, and in 1847–49 served in Congress, the only Whig from Illinois. Declining a renomination he was a candidate for the United States Senate in 1849, but was defeated, and thereafter devoted himself to his profession, giving a great deal of his time to politics, stumping his county and district, and in 1858 the State, for his party. In 1859 he delivered many political addresses and was nominated as stated, by the Republican party, for president, because of his ability, his influence and power as a leader, surpassing any other of his day. The newspapers of Memphis, prepared for the result of the sequent movements of the parties they represented, launched at once into the campaign: the *Bulletin* and the *Eagle and Enquirer* for the Bell ticket, the *Avalanche* for the Breckenridge, and the *Appeal* for the Douglas, announcement of which fact it delayed until the 1st of July. (1.) Because of the dissension and division in the party. (2.) Because it declined presenting the names of even its favorite and first choice for president and vice-president, so long as there remained hope for an adjustment of differences upon principle. (3.) Because it hesitated to participate in any movement that would separate the border from the Southern States because their political interests were identical, but after full and careful examination and mature deliberation it was compelled to declare "that the nomination of Douglas and Johnson was the natural nomination for president and vice-president of the United States." The *Appeal* deplored the division of the party, and said, in a long and carefully written editorial in its issue of the 3d of July, that "to see two Democratic tickets in the field on the eve of the most important contest that has yet been fought, may well raise dire forebodings in the mind not only of every Democrat anxious for the success of his

party, but of every true lover of his country and of his section. The seceders, whatever be their real motive and object, have studiously concealed the one and disavowed the other. They have acted with much discretion and tact in selecting as their candidates men whom the party has heretofore delighted to honor, and who are not directly committed to ultra or revolutionary doctrines. Yet, obscure the issue as they may, Messrs. Breckenridge and Lane this day represent a party virtually as sectional as Messrs. Lincoln and Hamlin. The followers of the latter deny sectionalism, and so do most of the adherents of the former, but the truth is not the less transparent." In a subsequent issue the *Appeal*, indulging in gloomy forebodings growing out of the division in the Democratic party, predicted that Lincoln would "be the next president." All the local political speakers were actively employed, and the city was in confusion over the conflicting opinions of press and politicians, and this confusion was, if anything, increased by the speech of the "great fire eater," Mr. Yancey, of Alabama, delivered before a vast audience from a stand on the corner of Third and Jefferson streets, on the 14th of August; the equally fiery speech of Senator Wigfall, of Texas, on the 28th of September; the conservative speech, on the 16th of October, of Senator Andrew Johnson, who denounced the Yanceyites for seceding, and the office-holders, office-seekers and party leaders for breaking up the Democratic party, declaring that he, for one, would never follow Yancey out of the Union;[1] the *Appeal*, the next day, reminding its readers that they must not "forget that if Abraham Lincoln is elected president of these United States it will be the result of the bolting at Charleston and Baltimore, and the treachery of the bright-mulatto Democracy in the Northern States." And a day after it confessed that it saw a great crisis approaching, but asks: "How can it be avoided?" About this time (October 19), news from the States of Pennsylvania, Ohio and Indiana, which all went Republican, was being received, and although very discouraging, the *Appeal* found comfort in the election of George H. Pendleton, in the first district of Ohio; C. H. Vallandigham in the third, and S. S. Cox in the twelfth. But more inspiring than "this deal of encouragement" was that afforded by the presence of Senator Douglas in the city, where he received an ovation, and where he spoke on the 24th to 30,000 people, many of them from the neighboring States of Arkansas and Mississippi, making a profound impression and many converts to his ticket. But it proved to be labor lost. Mr. Lincoln was elected. The vote resulting in the election of 180 Lincoln electors, 72 Breckenridge electors, 39 Bell electors and 12 Douglas electors; the vote in Tennessee standing: for John Bell, 69,176; John Breckenridge, 64,809; Stephen A. Douglas, 11,330; there being no votes cast for Abraham Lincoln. All the Northern States voted for Lincoln: Maine, New Hampshire, Massachusetts,

[1] Yet Mr. Johnson was inconsistently an advocate of the election of the Breckenridge ticket nominated by the Yancey convention.

Rhode Island, Connecticut, Vermont, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, California and Oregon. New Jersey giving him four of her votes and the remaining three to Douglas. The fifteen slave States were divided among the other candidates, one, Missouri, for Douglas; three, Kentucky, Tennessee and Virginia for Bell; and eleven, Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina and Texas for Breckenridge. Simultaneously with the announcement of this result there appeared in the Memphis newspapers the statement by telegraph from Charleston, S. C., that the "threats of secession which had been current there for some time in case of Mr. Lincoln's election were assuming a most tangible form of reality, and that the Legislature, upon its assembling, would pass a resolution favoring dissolution." The next day, the 9th of November, it was announced by telegraph that Governor Gist had issued a proclamation convening the Legislature, and two days after that a despatch from Columbia, S. C., stated that eight thousand minute men were being drilled in preparation for the State's defence, and another from Charleston, that an unsuccessful attempt had been made to remove the government arms from the arsenal to Fort Moultrie, and that the greatest excitement prevailed. On the 13th the resignation of the Hon. James Chestnut from the United States Senate was announced; on the 14th that a company of United States artillery had been sent from Washington to Fayetteville, N. C., to protect the arsenal and public property there, and on the 15th that the neighboring States had offered several already well equipped military organisations paying their own expenses to aid South Carolina in the event of all attempts by the Federal government at coercion, and Lincoln was burnt in effigy at Aiken, S. C., whence also there came the information that no delegate would be elected to the State Convention that was to be summoned by the Legislature unless he pledged himself in advance to procure the secession of the State before the 1st of January. Thus South Carolina was precipitating the dissolution of the Union. Georgia was the first to give signs of being affected by her example. Her House of Representatives on the 14th passed a bill appropriating $1,000,000 to put the State in a condition of defence. On the same day Congressman Lawrence M. Keitt made a speech to the people of Columbia, S. C., in the course of which he stated that President Buchanan was pledged to secession and would be held to it and he advised that "South Carolina should shatter the accursed Union—she should throw her arms around the pillars of the constitution and involve all the States in common ruin." On the 16th Florida sent assurances that she would secede with South Carolina, but the border States sent letters contending against the legality of secession under the constitution, and were almost unanimous for the Union, Virginia being especially unfavorable to the precipitate action of South Carolina. An attempt to establish a corps of minute men in Memphis was

described at this time as "a flash in the pan," but it was more than that, it was the presage of a change in public sentiment that was gradually making its way among the most conservative people, and was prompted by the rapid movements of the cotton States. On the 16th Colonel Gardner was relieved of the command of the troops in Charleston Harbor, and was succeeded by Major Anderson, who on his way to his post of duty was met by the proclamation of Governor Letcher, of Virginia, calling an extra session of the Legislature of that State for the 7th of January. On the 20th announcement was made that Senator Toombs would resign on the 3d of March unless Georgia seceded before that time, but Congressman Alexander H. Stephens, a man of as great weight in that State opposed precipitate action and made a strong conservative speech at Atlanta, ex-Governor Aiken, of South Carolina, taking similar action in a letter to the people of that State. In the same vein President Buchanan on the 24th announced his position in this grave crisis. He said "that though the Southern States have just cause for complaint, no State is justified in secession or revolution till every constitutional measure shall have been exhausted; and no State has a right to commit acts which tend to precipitate other States into a disruption of the Union." The New York *Herald* at the same time advised the Republican merchants of that city who had voted for Lincoln to "hold a public meeting immediately and make such a statement of their views as will satisfy the Southern States that there is no hostile intention toward them or their institutions, and all may be well." But there was no possible chance of arresting the current by such means. Trade now counted for nothing. On the last day of November the banks of Charleston suspended specie payments, and President Buchanan insisted, in reply to a communication from South Carolina that the Federal laws must be observed, as he would maintain them at all hazards. Duty to his country forbade his permitting the secessionists to take possession of the Federal forts and withhold the Federal revenue. In the meantime, nearer home, in Alabama, and Mississippi and Louisiana secession was making alarming strides. The newspapers keeping pace with events, published the oscillations and variations in public opinion, and the tendency that now more and more became apparent to precipitate action. The *Appeal* discussed secession under the heading "No dissolution without civil war," yet in a subsequent editorial it admitted that something must be done. It suggested a general convention of the slave-holding States. This took hold on the public mind, and at a citizen's meeting on the 1st of December a resolution was unanimously adopted urging the governor to convene the Legislature with a view to its inviting a convention of the fifteen Southern States, to devise a common basis and plan of action. The time had, however, passed for planning. The leaders, people, and the States were acting. Colonel Bilbo, of Nashville, on the 3d of December addressed the people of Charleston, and promised that the people of Tennessee would secede in thirty days after South Carolina, and

Major Lee, of the Baltimore National Volunteers offered his services to Governor Gist with one hundred and thirty properly equipped and thoroughly drilled men. On the 5th the people of Texas were reported to be on the eve of revolution against the State government, Governor Houston having refused to call a State Convention, which moved Senator Iverson, of Georgia, to say that "if he does not yield some Texas Brutus may arise to rid the country of this hoary-headed traitor." On the 9th the South Carolina Legislature passed a bill providing for an armed military force, and authorised the governor to call ten thousand volunteers into the service, the commander of the troops of Fort Moultrie at the same time asking the war department for some troops and munitions, which were refused for reasons stated by the president in a message that was then being discussed by the country, a copy of which had been sent to Governor Gist by the hands of a private messenger. This message, which was approved by Messrs. Cass, Toucey, Black and Holt, of his cabinet, and disapproved by Messrs. Cobb, Thompson, and Floyd, discussed with great ability the question of secession, and the duties and powers of the National executive to prevent it by the enforcement of the laws, the collection of the revenue and guarding the public property. He held that the Union was a perpetual one, made so by the people, and could only be dissolved by revolution, and that the president could not be absolved of his duty to execute the laws. But on the other hand he could find no warrant in the constitution to compel a State to remain in the Union. No such power had been conferred on Congress or on any department of the government. "It may be safely asserted" he said, "that the power to make war against a State is at variance with the whole spirit and intent of the constitution. But if we possessed this power, would it be wise to execute it under existing circumstances? Our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war. Congress possesses many means of preserving it by conciliation; but the sword was not placed in their hands to preserve it by force." The government was clearly in a helpless condition. A Jackson willing to take the responsibility might have solved the problem, but it was not within the reach of a hair-splitting lawyer and mere civilian. The Republicans sneered at this message as showing a way how not to do it, and the *Washington Union*, the organ of the administration, said, "Mr. Buchanan had increased the displeasure of the Lincoln party by his repudiation of the coercion theory, and his firm refusal to permit a resort to force as a means of preventing the secession of a sovereign State." The extremists at the South also condemned it, Senator Slidell charging the president with imbecility and the authorship of the present crisis; but the Conservatives and border State people overlooked its inconsistencies and contradictions in view of the peace it inculcated and the advice for the convention of the States which it contained. But it did not arrest the general judgment which now inclined to war, even the conserva-

tive *Appeal* admitting that "the South must face the issue." On the 7th of December the Georgia Legislature rejected a bill providing for the call of a convention of the Southern States preferring separate State action; and Senator Yulee, of Florida, wrote that he would "join the banner of that State so soon as she goes out of the Union." On the 8th Howell Cobb, of Georgia, secretary of the treasury, resigned his place in the cabinet; on the 9th Governor Harris by proclamation convoked the Legislature of Tennessee to meet on the 7th of January; and on the 11th the Governor of Louisiana recommended that State to meet in counsel with the other Southern States, and also the creation of a military board, the purchase of arms and the appropriation of not less than a half million dollars for that purpose. On the same day the newspapers published as an item of current news that Commodore Shubrick, U. S. N., had prepared a letter of resignation to be tendered on the secession of South Carolina, and that Captain Ingraham, U. S. N., would retire on the same contingency; they also gave the particulars of the burning of Lincoln in effigy in Fernandina, Fla., and that Senator Jefferson Davis had received a despatch from President-elect Lincoln, saying that he was preparing a letter which would give entire satisfaction to the South. On the 12th the Hon. Clement C. Clay tendered his resignation of his seat in the United States Senate from Alabama, to take effect on the 4th of March; on the 13th ex-President Fillmore was invited to visit South Carolina as a messenger of peace, and it was published that Secretary Floyd refused to resign when urged to do so by Secretary Jacob Thomson, who was already out of the cabinet; and on the same day Mr. Cobb, of Georgia, issued an address to the people of that State, in which he said he had no doubt either of their right or duty to secede from the Union, and called upon them to assert and maintain their independence out of it. On the 14th South Carolina, through one of her representatives, the Hon. Porcher Miles, applied to the secretary of war to purchase a quantity of rifled muskets, but the secretary responded that he had no power to sell United States arms except those condemned on inspection. On the same day the president proclaimed the 4th of January a day of fasting and prayer, and the senators and representatives whose names are appended to it, issued the following address to their constituents:

"WASHINGTON, December 14, 1860.

"*To Our Constituents:*

"The argument is exhausted. All hope of relief in the Union through the agency of committees, congressional legislation, or constitutional amendments is extinguished, and we trust the South will not be deceived by appearances or the pretense of new guarantees. In our judgment the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety and independence of the Southern people require the organization of a Southern Confederacy—a result to be obtained

only by separate State secession—that the primary object of each slave-holding State ought to be its speedy and absolute separation from a union with hostile States. J. L. Pugh, David Clopton, Sydenham Moore, J. L. M. Curry, J. A. Stallworth, of Alabama; J. W. H. Underwood, L. J. Gartrell, James Jackson, John J. Jones and Martin J. Crawford, of Georgia; U. S. Senator Alfred Iverson, of Georgia; George S. Hawkins, of Florida; T. C. Hindman, of Arkansas; U. S. Senator Jefferson Davis, U. S. Senator A. C. Brown, William Barksdale, O. R. Singleton, and Reuben Davis of Mississippi; Burton Craige, Thomas Ruffin, of North Carolina; U. S. Senator John Slidell, U. S. Senator J. P. Benjamin, and J. M. Landrum of Louisiana; U. S. Senator Lewis T. Wigfall, U. S. Senator John Hemphill, and J. H. Reagan of Texas; M. L. Bonham, William Porcher Miles, John McQueen, John D. Ashmore of South Carolina."

This startling document was followed on the 15th by the resignation of General Cass from Buchanan's cabinet, which created a profound impression; and on the 16th by the election of William F. Pickens by the Legislature of South Carolina to be governor of that State. On the 17th Senator Crittenden of Kentucky, was reported as saying that that State would go with the other Southern States since he perceived no evidence of compromise or concession on the part of the Republican leaders; and on the same day the State Convention and the Legislature of South Carolina, on account of a local epidemic at Columbia, removed to Charleston, where on the 20th the ordinance of secession was passed and ratified[1] amid the greatest rejoicings by the people, the signing of it by the delegates being made a solemn ceremony, which done the president of the convention proclaimed "the State of South Carolina an independent commonwealth." This had the effect of precipitating matters. The *Appeal* was moved by it to say that the destiny of the border and cotton States was one and inseparable. But Senator Andrew Johnson did not think so. On the 22d, in a speech of great length, he denied the right of secession and advocated coercion if necessary to prevent it. For this he was denounced in Memphis, and burned in effigy as a traitor, and the *Appeal* censured him "for the betrayal of his own people." On the 25th the citizens of Shelby county called a meeting to consider the present crisis, and the Vicksburg *Sun* announced that

"[1] AN ORDINANCE: To dissolve the Union between the State of South Carolina and other States united with her under the compact entitled 'the Constitution of the United States of America.'

"We, the people of the State of South Carolina, in Convention assembled, do here declare and ordain, and it is hereby declared and ordained,

"That the ordinance adopted by us in convention, on the Twenty-third day of May, in the year of our Lord One Thousand Seven Hundred and Eighty-six, whereby the Constitution of the United States of America was ratified, and also all acts and parts of acts of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States under the name of 'United States of America,' is hereby dissolved."

Senators Davis and Brown and the whole Mississippi delegation advised immediate secession. On the 26th announcement was made of the failure of Crittenden's peace proposition which the *Appeal* acknowledges to have been the last chance for the redress of the grievances of the South. On the 28th Fort Moultrie was evacuated by Major Anderson, who after spiking the guns and burning the gun carriages, retired to Fort Sumter in order he said "to allay anxiety and strengthen his own position." Proclamation was also made by Governor Pickens that a law for the collection of customs had been passed and that thereafter all port dues and customs were to be paid to South Carolina. On the 29th Fort Moultrie and Castle Pickney were taken possession of by South Carolina troops under orders from the governor and Colonel Pardee, late commander of West Point, who had resigned from the United States Army and entered the service of his State and was employed to go to Europe to purchase arms and munitions of war for Georgia. The citizens of Memphis who were much divided held two meetings, one of which, that of the 29th was in full sympathy with South Carolina, and repudiated the obnoxious speech delivered by Senator Andrew Johnson; the other, held the day before resolved to exhaust every expedient to settle the slavery question speedily and finally, if possible to restore fraternal feeling between the North and South, and thereby perpetuate "our present union and form of government." Another resolution of this meeting read "that the final effort should be made in the Union under the constitution and laws of that Union, and not out of it until all such efforts shall have therein and thereunder failed upon a fair trial," and the Legislature of Tennessee about to assemble was recommended to call a convention at as early a day as is possible. On the last day of the year the people of Memphis and of the whole South were reading and studying an "address to the slaveholding States," and a "declaration of causes," by South Carolina justifying the secession of that State upon the State's Right theory.

XIV.

MANY attempts were made to stay the hurrying tide which was sweeping so many hitherto conservative men off their feet, but to no effect. A special committee of thirteen appointed by the president of the senate, and a committee of thirty-three members, one from each State, had been appointed by the speaker of the House of Representatives in obedience to resolutions that expressed a purpose on the part of the national Legislature to do what it could to meet the demands of the Southern States under the constitution. On the 13th of December the House committee adopted by a vote of twenty-two to eight a resolution regretting the discontent and hostility evidenced at the

South, and that whether with or without cause, "any reasonable, proper, and constitutional remedies and effectual guarantees of their peculiar rights and interests, as recognised by the constitution, necessary to preserve the peace of the country and the perpetuation of the Union, should be promptly and cheerfully granted." But this had no effect. Nor had the efforts of the Senate committee, nor the voluminous correspondence between public men of the opposing parties, who were friendly to each other, nor the official or unofficial conferences that were held by Southern commissioners and Southern statesmen with President Buchanan. The long pent up force of the indignant South was gaining in volume, in depth and force every day. The accumulated facts of history were an argument that could not be overcome. A party which believed that slavery must not be extended had been triumphant, and was in the person of its chosen chief in a few weeks to take possession of the Federal government and administer its affairs. The North was thus in the hands of the enemies of slavery, who had expressed the desire frequently to stamp it as the twin barbarism of polygamy out of existence. Even at this time the successful candidate of that party was declaring to a member of that committee not to entertain any "proposition for a compromise in regard to the extension of slavery. The instant you do they have us under again, all our labor is lost, and sooner or later must be done over. Douglas is sure to be again trying to bring in his 'Popular Sovereignty.' Have none of it. The tug has to come, and better now than later. You know I think the fugitive slave clause of the constitution ought to be enforced—to put it in its mildest form, ought not to be resisted."[1] Mr. Lincoln also wrote to Congressman E. B. Washburne on the 21st of December to tell General Scott confidently that he would "be obliged to him to be as well prepared as he can to either hold or retake the forts, as the case may require at and after the inauguration." While not averse to any attempts to maintain peace Mr. Lincoln evidently had no faith in the efforts that were being made. He doubtless saw that a storm which had been so long brewing, and that was fast accumulating the strength of irresistible power could not be controlled by the methods of resolutions and acts and compromises that had merely delayed for seventy years. In a conversation with a friend he expressed his fear that there would not be anything of the government left for him to administer upon by the time he reached Washington to be sworn in, as Buchanan was allowing all chance for saving the public property and the government to pass from his hands. A remarkably shrewd politician, Mr. Lincoln went with the current and kept his hands upon the oars. He was in constant communication with Senator Seward, of New York, a member of the Senate committee of thirteen, and entertained his propositions and proposals while convinced that his terms, terms already framed

[1] Letter from President-elect Lincoln to William Kellogg, written on the 11th of December, 1860.

in the constitution and in the laws would not be acceptable to the South.[1] In a letter to Duff Green, written on the 28th of December, he said he did "not desire any amendment of the constitution, yet he would not interpose any objection to the people attempting such a thing by any of the modes provided in that instrument." In addition to this he declared

"That the maintenance inviolate of the rights of the States and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depend, and I denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as the gravest of crimes. I am greatly averse to writing anything for the public at this time; and I consent to the publication of this only upon the condition that six of the twelve United States Senators for the States of Georgia, Alabama, Mississippi, Louisiana, Florida and Texas shall sign their names to what is written on this sheet below my name, and allow the whole to be published together.

"Yours truly, A. LINCOLN."

"We recommend to the people of the States we represent respectively to suspend all action for dismemberment of the Union, at least until some act deemed to be violative of our rights shall be done by the incoming administration."

This, which, as Mr. Lincoln in a letter written the same day insisted, was nothing more than what was already to be found in the Republican platform,

[1] Senator Seward wrote to him on the 26th of December, 1860, as quoted by Hay and Nicolay, Century Magazine, for October, 1887. "I met on Monday my Republican associates on the committee of thirteen, and afterward the whole committee. With the unanimous consent of our section I offered three propositions, which seemed to me to cover the ground of the suggestion made by you, through Mr. Weed, as I understood it.

"1. That the constitution should never be altered so as to authorise Congress to abolish or interfere with slavery in the States. This was accepted.

"2. That the fugitive slave law should be amended by granting a jury trial to the fugitive. This, in opposition to our votes, was amended so as to give the jury in the State from which the fugutive fled, and so amended was voted down by our own votes. The committee had already agreed to Mr. Crittenden's amendment concerning the fees of the commissioner, making them the same when the fugitive is returned to slavery as when he is discharged.

"Our third resolution was that Congress recommend to all the States to revise their legislation concerning persons recently resident in other States, and to repeal all such laws which contravene the constitution of the United States, or any law of Congress passed in pursuance thereof. This was rejected by the pro-slavery vote of the committee.

"To-day we had another meeting. I offered, with the concurrence of my political associates, a fourth proposition, viz.: That Congress should pass a law to punish invasions of our States and conspiracies to effect such invasions, but the latter only in the State and district where the acts of such complicity were committed. This, by the votes of our opponents, was amended so as to carry out Mr. Douglas's suggestion of last winter for the revival of the old sedition law of John Adams's time, and this was rejected by our own votes.

"I add very respectfully, my own opinion on the probable future. The United States of America, their constitution, their capital, their organisation in all its departments, and with all its military and naval forces, will stand and pass without resistance into your hands. There will be several, perhaps all of the slave States standing in a contumacious attitude on the 4th of March. Sedition will be growing weaker and loyalty stronger every day from the acts of secession as they occur."

so obnoxious to the people of the South, was of course of no effect.[1] It was merely an admission that he, like other politicians, was convinced that the resources of compromise had been exhausted, and that nothing new or acceptable to the people of the South could suggest itself or be offered. Indeed, nothing new or acceptable could be offered unless the North fixed in the Federal constitution additional and stringent guarantees as to the perpetuity of slavery and an equal chance for it in the territories. To this he was unalterably pledged and of course opposed. In a letter to Senator Seward, of date the 21st of February, 1861, when the Peace Congress, which originated with Senator Crittenden, of Kentucky, was in session in Washington, he wrote:

"I say now, however, as I have all the while said, that on the territorial question—that is, the question of extending slavery under the national auspices—I am inflexible. I am for no compromise which assists or permits the extension of the institution on soil owned by the nation. And any trick by which the nation is to acquire territory, and then allow some local authority to spread slavery, is as obnoxious as any other. I take it, that to effect some such result as this, and to put us again on the high road to a slave empire, is the object of all these proposed compromises. I am against it. As to fugitive slaves, District of Columbia, slave trade among the slave States, and whatever springs of necessity from the fact that the institution is among us, I care but little, so that what is done be comely and not altogether outrageous. Nor do I care about New Mexico, if further extension were hedged against."

But this would not do. Nor would anything that the Peace Congress could do avail. It had assembled by request of Virginia on the 4th of February, and adjourned on the 27th after a series of interesting debates interspersed with patriotic speeches and pledges. Twenty-one of the thirty-three States then comprising the Union were represented in it: New York, New Jersey, New Hampshire, Vermont, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Iowa, Illinois, Missouri and Kansas, which had been admitted on the 26th of January. Virginia recommended the adoption of the Crittenden Compromise, which was agreed to by all the Southern States and New Jersey, the Northern delegates, except those of Massachusetts and Rhode Island,[2] opposing. This compromise introduced a proposition to amend the constitution by dividing the territories between the two sections on the line of the Missouri Compromise. In the House of Representatives, on the 14th of January, an attempt was made to substitute this for the report of the Committee of Thirty-three, but it was defeated by a vote of eighty to one hundred and thirteen,

[1] In a letter to Senator Trumbull, of Illinois, who was to deliver this letter, written on the same day, Mr. Lincoln gave evidence of his abundant caution and shrewdness, saying: "General Duff Green is out here endeavoring to draw a letter out of me. I have written one which I herewith enclose to you, and which I believe could not be used to our disadvantage. Still, it on consultation with our discreet friends you conclude that it may do us harm, do not deliver it. You need not mention that the second clause of the letter is copied from the Chicago platform. If, on consultation, our friends, including yourself, think it can do no harm, keep a copy and deliver the letter to General Green."

[2] These States appointed these delegates without comment.

and on the 2d of March it shared the same fate in the Senate by a vote of nineteen to twenty. The Republicans in Congress were as inflexible as Mr. Lincoln was. They agreed with the Northern members of the Peace Conference who had voted to reject this proposition in advance, because, as they believed, "the constitution fairly construed and faithfully obeyed was still fully competent for all the needs of the country." They were, however, willing to give a guarantee in the following amendment to the Federal constitution which passed the house on the 28th of February, by a vote of 133 yeas to 65 nays, and the Senate on the 2d of March by 24 yeas to 12 nays:

"Article 13. No amendment shall be made to the constitution which will authorise or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

This was worth just the paper it was written upon. The guarantees it offered that the rights of the States should not be infringed were already incorporated in the Federal constitution in one form or another. Besides, the greatest complaint of the South was, that the constitution as it was, and the laws made in pursuance of it had been, and were being, daily nullified by some of the Northern States,[1] all of whom had testified of their utter hostility to slavery by the election of Mr. Lincoln, then about to be sworn in as the chief executive of the nation. But no attention was paid to the proposed amendment, even by the Northern States, to which it was transmitted for their action by the Lincoln administration. It could never have been carried by them. The prevailing sentiment of the Republicans, "to wash their hands of all responsibility for the crime of slavery," was too strong. It was too late anyway. The secession movement precipitated by South Carolina was, at the South, sweeping all before it. Mississippi seceded on the 9th of January, 1861; Florida on the 10th, Alabama on the 11th, Georgia on the 19th, Louisiana on the 26th, and Texas on the 1st of February. The border slave States were necessarily slower in their movements. Some of them, like Tennessee, were committed to the constitution and the Union by the votes they cast for the Bell and the Douglas tickets, which were in opposition to the Breckenridge as the secession ticket. The die was cast. Civil war was inevitable; all was hurry. The Cotton States had not the patience to attempt a convention for conference, such as Governor Wise, in 1856, counselled, and J. M. Mason had endorsed, them to do, in order to meet dangers "most effectually, if we must." They had not even done what, in 1858, Mr. Yancey had urged them to do,—organise a convention "of her true men for prompt resistance to the next aggression;" as he said, "it must come in the nature of things. No national party can save us; no sectional party can ever do it. But if we could do as our father's did,—organise 'committees of safety,' all over the Cotton States (it is only in them we can

[1] Iowa and Ohio had refused to surrender fugitives from justice, charged with murder, and with attempting to incite servile insurrection at the time of the John Brown raid in Virginia.

hope for any effective movement),—we shall fire the Southern heart, instruct the Southern mind, give courage to each other, and at the proper moment, by the organised, concerted action, we can precipitate the Cotton States into a revolution." No organised movement such as was here recommended, nor any conspiracy for secession, ever had an existence at the South. There was a sort of bureau of information established on October of 1860, in Charleston, to ascertain the inclination of the people of the Southern States for or against secession, and at the last moment Governor Gist addressed a circular to the governors of those States on the 5th of October, 1860, in which he invited co-operation in case of the election of Mr. Lincoln, either looking to secession or "any other remedy" that might suggest itself. That was all there was even of co-operation. "It is the desire of South Carolina," Governor Gist said to the governors, "that some other State should take the lead, or, at least, move simultaneously with her. She will unquestionably call a convention as soon as it is ascertained that a majority of the electors will support Lincoln. If a single State secedes she will follow her. If no other State takes the lead, South Carolina will secede (in my opinion) alone, if she has any assurance that she will soon be followed by another or other States; otherwise it is doubtful. If you decide to call a convention upon the election of a majority of the electors favorable to Lincoln, I desire to know the day you propose for the meeting, that we may call our convention to meet the same day if possible." To this he received answers from the governors of six of the States. Governor John W. Ellis, of North Carolina, said the people of that State did not think the election of Lincoln a sufficient ground for the dissolution of the Union, and he did not suppose the Legislature which was to meet on the 19th of November, 1860, would take any steps in that direction. Governor Thomas O. Moore, of Louisiana, even if the Electoral College should indicate the election of Lincoln, would not advise the secession of his State, and he added that he did "not think the people of Louisiana will ultimately decide in favor of that course." Governor John J. Pettus promised to call the Legislature of Mississippi together in extra session, and thought that "if any State moves, Mississippi will go with her." Governor Joseph E. Brown, of Georgia, had no doubt that Georgia would hold a convention in the event of Lincoln's election, but the action of other States would greatly influence her, otherwise her people would wait for an overt act. Governor A. B. Moore, of Alabama, was of the opinion that that State would "not secede alone, but if two or more States would co-operate with her she would secede with them. If Lincoln was elected he would call a convention, but he was of the opinion "that the election of Lincoln alone" was "not sufficient cause for a dissolution of the Union." Governor M. S. Perry, of Florida, promised that that State would follow the lead of South Carolina, or any other of the Cotton States, and he suggested a free concert of action between the governors of the

Southern States by whom the ball was to be set in motion. These answers to Governor Gist were written between the 18th of October, 1860, and the 9th of November of that year, and prove as plainly as anything can be proven that there was nothing up to that time like even agreement as to a common cause of action by the Southern States. Many of the most sagacious statesmen on both sides were confused in their judgment, unstable and unreliable. Contending against their prejudices they were overcome by their fears and apprehensions, and their judgment was greatly at fault. Colonel John Harmon, speaking from his own experience at the time, said that: "The idea that there would be a war was not seriously entertained. Many thought there would be but one battle and the result of that battle would decide the question permanently. This opinion was held up to Bull Run, by the Southerners. They argued that President Lincoln's policy was to risk only one battle and let that settle it. That was the construction which they placed on his proclamation calling for 75,000 volunteers for three months' service. The South quietly took measures to organise a greater force and conquer the first field. They had at Bull Run more men than Lincoln enlisted for the entire Union army. A number of the Southern leaders were sure that there was no fight in the North. Slidell and Mason bragged that broomsticks were a sufficient armament, probably indulging in this exaggeration to make as light as possible of the coming conflict, and to quiet any alarm that might arise if serious resistance was deemed probable." General Scott, the commander-in-chief of the army, assured Mr. Lincoln through Mr. Cameron, of Pennsylvania, that he had ordered two companies of flying artillery, and would organise the police and *have himself sworn in as constable*, to preserve the peace on inauguration day. The general evidently had no idea of the magnitude of the movement. Mr. Mann, of Massachusetts, wrote that he "had seen the Union dissolved twice," and he "was not the least alarmed about the secession movement." Horace Greeley and Thurlow Weed were, on the contrary, full of anxiety, and the former wrote in the *Tribune*, that "If eight States, having five millions of people, choose to separate from us, they cannot be permanently withheld from so doing by Federal cannon." The "Republicans," wrote a newspaper correspondent, "have no concessions to make or compromises to offer, and it is impolitic even to discuss making them." Mr. Tom. Corwin, of Ohio, wrote that he had never seen his country "in such a dangerous position. I look upon it with great alarm, but I am resolved not to be paralysed by dismay. Our safety can only be insured by looking the danger full in the face, and acting with calm dignity in such a way as, if possible, we may ride out the storm." Mr. Williams wrote to Lincoln that he supposed South Carolina would "try on her secession project," and that "perhaps some of the Cotton States would follow," but "their number would not be large. Indeed I know," he continues, "that some of the heretofore most rabid secessionists now tremble before the brink

on which they stand. They would retreat without trying the experiment if they had not kindled a fire at home which is beyond their control." Alexander H. Stephens, of Georgia, found this to be the case. On the 14th of November he made a speech for the Union before the Legislature of that State, that had a momentarily staggering effect, but the recoil carried him with it into the ranks of the secessionists and into the chair of the vice-president of the Confederate States of America. Andrew Johnson, of Tennessee, in his speech for the Union, had committed the unpardonable sin of suggesting coercion, and by this extreme had lost all the influence he once had in the State. There was fear, and doubt and distrust on every hand. Men knew not what to expect, but were apprehensive of the worst. Mr. Lincoln, before his inauguration, was beset by conspicuous politicians, and journalists and citizens, on both sides, to make a statement of what his policy would be towards the South. In every instance he declined inviting each correspondent to search his record, read his speeches and letters, and the Republican platform, which he heartily and unreservedly endorsed.[1] While Congress and congressmen, editors and politicians, were moving in the directions that seemed to them most patriotic, delegates from the Cotton States were assembling at Montgomery, Ala., to form a more perfect union than the one from which those States had seceded, which they did on the 4th of February, 1861, confirming it on the 22d by the adoption of a constitution, in most respects similar to that of the United States. President Buchanan was being sorely tried by a question whose difficulties were all of them clearly of his own making. His position as to secession did not permit of an attempt at the coercion of the States, but it was his duty to possess and hold all the public property of the United States, and enforce its mail and revenue and all other laws. Failing in this, he had permitted the authorities of South Carolina to take possession and hold the United States Arsenal at Fayetteville, to seize Castle

[1] To the Hon. John A. Gilmore, of North Carolina, to whom he offered a cabinet appointment, he wrote: "I am greatly disinclined to write a letter on the subject embraced in yours; and I would not do so, even privately as I do, were it not that I fear you might misconstrue my silence. Is it desired that I shall shift the ground upon which I have been elected? I cannot do it. You need only to acquaint yourself with that ground, and press it on the attention of the South. It is all in print and easy of access. May I be pardoned if I ask whether even you have ever attempted to procure the reading of the Republican platform, or my speeches, by the Southern people? If not, what reason have I to expect that any additional production of mine would meet a better fate? It would make me appear as if I repented for the crime of having been elected, and was anxious to apologise and beg forgiveness. To so represent me would be the principal use made of any letter I might now thrust upon the public. My old record cannot be so used; and that is precisely the reason that some new declaration is so much sought. Now, my dear sir, be assured I am not questioning your candor; I am only pointing out, that while a new letter would hurt the cause, which I think a just one, you can quite as well effect every patriotic object with the old record. Carefully read pages 18, 19, 74, 75, 88, 89, and 267 of the volume of Joint Debates between Senator Douglas and myself with the Republican Platform adopted at Chicago, and all your questions will be substantially answered."

Pinckney, Fort Moultrie and Fort Johnson, and garrison them and erect batteries on Cumming's Point and Sullivan's Island, and prepare for a combined attack from all these points on Fort Sumter, into which Major Anderson and the United States troops that had garrisoned the forts named had gone with a view to avoid bloodshed, and there make any final effort that might become necessary as a mere show or exhibit of national authority. President Buchanan's attitude, and the orders of his secretary of war in this matter were a concession to the secessionists, which they were quick to turn to account by making demands that Sumter should not be revictualed or reenforced. They even went so far in this determination as to fire upon the steamer *Star of the West.* This was done on the 9th of January, by the South Carolina batteries and the vessel was driven to sea again and away from the purpose her commander was under orders to perform of re-enforcing and revictualing Fort Sumter. President Buchanan's desire was to avoid bloodshed, and if it must come, to throw the blame and burden of it on South Carolina.[1] Even on the 23d of February Secretary of War Holt, being urged, answered Major Anderson's request for instructions by repeating those sent him on the 10th of January preceding: "To act strictly on the defensive, and to avoid, by all means compatible with the safety of your command, a collision with the hostile forces by which you are surrounded," and added: "The policy thus indicated must govern your conduct. The president is not disposed at the present moment to change the instructions under which you have been heretofore acting, or to occupy any other than a defensive position. If, however, you are convinced by sufficient evidence that the raft of which you speak is advancing for the purpose of making an assault upon the fort, then you would be justified, on the principle of self-defense, in not awaiting its actual arrival there, but by repelling force by force on its approach." Sumter, Fort Pickens at Pensacola, and forts near Key West, Fla., were all that remained at this time to the Federal government along the Southern coast; the Confederate government had possession of all the rest, and it was with the commissioners of that government that President Buchanan was thereafter to treat, if he determined to treat with any one representing the seceded States. But this he declined. He received the commissioners[2] as private gentlemen. By the time of their ar-

[1] Ex-Postmaster General King, reviewing "General Crawford's story of Sumter," in the *New York Star* says that "After all was over, Mr. Buchanan himself, in writing in the third person on this subject, said: 'The president believed it to be impossible to garrison the numerous forts in the United States in time of peace; that to attempt this would have been a confession of weakness, as the force at his command was absurdly inadequate to the object in view, and that it would have provoked instead of preventing collision. He therefore considered it his duty to refrain from any act which might provoke or encourage the Cotton States into secession, and to smooth the way for congressional compromise.'"

[2] They were John Forsyth of Alabama, Marion J. Crawford of Georgia, and Andrew B. Romain of Louisiana.

rival he had become firmer, under the direction of Black, Holt, Stanton and Dix of his cabinet, and determined to hold the public property at any risk, therefore he refused to surrender Sumter, the demand for which Attorney-General Black characterised as "the most impudent in the history of the world." But Mr. Lincoln did not do any better but rather worse than Mr. Buchanan. He was inaugurated on the 4th of March a few days after Jefferson Davis had taken the oath as Provisional President of the Confederate States, and Mr. Alexander H. Stephens was sworn as vice-president. His secretary of State, Mr. Seward, with a view to conciliate the border slave States, while the right to oppose secession by force was to him unquestioned, as a matter of policy, was ready to acquiesce in the surrender of Sumter. He received the overtures of the Confederate commissioners to that effect through Mr. Justice Campbell of the United States Supreme Court, and assured them he was in favor of peace, and that Fort Sumter in Charleston Harbor would be evacuated in less than ten days, even before a letter could go from Washington to Montgomery, and that he would give notice of any design to alter the status as to Fort Pickens, Fla. General Beauregard, then brigadier-general in the provisional army of the Confederate government, who had assumed command of the harbor defences of Charleston Harbor in the name of the Confederate States of America on the 6th of March, was quite sanguine that this would be done from information he had from friends in Washington who were in a position to know. He apprised Major Anderson of this conviction, adding that "all that would be required of him would be his word of honor as an officer and gentleman that the fort, with its armament and all public property, should remain without any arrangements for its destruction; that company and side arms might be taken and the flag saluted." Major Anderson replied that "if he could leave the fort only upon such a pledge, he would never, 'so help him God, leave this fort alive.'" The gallant soldier was by this time very much wrought up in view of the position he had been placed in by the vacillating policy of both administrations. It was one of humiliation to a soldier whose first impulse had been to defend the forts intrusted to his keeping. A change was coming, however. On the 15th of March President Lincoln wrote to each of his cabinet officers, asking a written answer to the following question: "Assuming it to be possible to now provision Fort Sumter, under the circumstances is it wise to attempt it?" Mr. Seward answering thought it would be unwise and impolitic, would precipitate civil war, after which reunion "under this administration" would be hopeless. The Secretary of War, Cameron, was "reluctantly forced to the conclusion that it would be unwise now to make any such attempt." A like opinion was expressed by the remaining members of the cabinet, with the exception of the Secretary of the Treasury, Mr. Chase, and the Postmaster-General, Mr. Blair. Mr. Chase expressed himself as "in favor of some attempt being made to relieve Fort Sumter, although he was not now, nor had he previously

been, decided in his expressions to that effect." Postmaster General Blair believed "that Fort Sumter may be provisioned and relieved by Captain Fox with little risk. No expense or care should therefore be spared to achieve this success." But nothing was immediately attempted, and Secretary Seward continued to convey assurances to the Confederate Commissioners[1] that the president would not attempt to re-enforce Sumter. As Postmaster-General King tells the story, Judge Campbell then urged immediate evacuation. Mr. Seward said, "I must see the president." He returned with the modified answer, "I am satisfied the government will not undertake to supply Fort Sumter without giving notice to Governor Pickens." April 10th Secretary Seward informed the commissioners that "the secretary of State is not at liberty to hold official intercourse with them," and they communicated this decision to the authorities at Montgomery. They left the city the next day; but before their departure a telegram had been received from General Beauregard, informing them "of the arrival of a special messenger with the notice of the president of the United States that Fort Sumter was to be provisioned either peaceably or otherwise forcibly. It should be remarked that at no stage of these troubles was Justice Campbell recognized by Seward in any other capacity than that of a private gentleman, nor did he profess to have any official agency. On the 12th day of April fire was opened on Fort Sumter, when he wrote the secretary of State, charging "equivocating conduct" and "systematic duplicity" as having been practiced upon the authorities at Montgomery through him, and that such equivocating conduct of the administration was the proximate cause of the "great calamity." At length the fleet intended for the relief of Fort Sumter put to sea, and "before daylight on the 12th [April] the rendezvous agreed upon was reached off the Charleston bar. As they approached the land the firing was heard, and the smoke and shells of the batteries 'were distinctly visible.'" The dreadful drama of civil war had been inaugurated. Duplicity was at an end.[2]

[1] Secretary Seward had gone so far as to communicate through Judge Campbell to the Confederate commissioners the following assurances: "I feel perfect confidence in the fact that Fort Sumter will be evacuated in the next five days, and that this is felt to be a measure imposing vast responsibility upon the administration. I feel perfect confidence that no measure changing the existing status of things prejudicially to the Southern Confederate States is at present contemplated. I feel entire confidence that any immediate demand for an answer to the communication of the Commissioners will be productive of evil and not of good. I do not believe that it should be pressed. I earnestly ask for a delay until the effect of the evacuation of Fort Sumter can be ascertained—or at least for a few days, say ten days."

[2] Defending his policy Mr. Lincoln in his message to Congress July 4, 1861, said: "The policy chosen looked to the exhaustion of all peaceable measures before a resort to any stronger ones. . . . It promised the continuance of the mails [and they were continued until May 31] at the government expense to the very people who were resisting the government, and it gave repeated pledges against any disturbance to any of the people or any of their rights. Of

XV.

THE newspapers of Memphis were faithful chroniclers of these times. Every mood of the diverse populations of the Union was recorded, and every changing shade of public opinion. For months, and until the inauguration of Lincoln, all eyes were turned upon Charleston, S. C. It was the theatre of exciting events, and even local affairs were lost sight of in view of the contest between that State and the Federal authorities. The diplomatic movements of the distinguished agents and commissioners of the State, and afterwards of those of the Confederate States, was carefully noted and criticised and furnished occasion for some fierce outbursts against the North. The resignations of Cobb, Floyd, Thompson, and Thomas (who had taken Cobb's place as secretary of the treasury) were each of them occasions eagerly seized for a eulogy upon those statesmen, and the formation of the provisional government of the Confederacy, and the organisation and assembling of troops kept the public constantly on the *qui vive*. In January of 1861 the publication of a message by the governor of New York recommending the repeal of the personal liberty law of that State, and inviting other States to repeal all laws in conflict with the Federal constitution, was favorably received, especially as he also recommended that the State of New York should give the most solemn assurances to the Southern States that their rights, under the constitution, should be respected and maintained. Neutralising this, on the 4th there came by telegraph news of the readiness of the sloop-of-war *Brooklyn*, at Norfolk, to sail for Charleston at a moment's notice, and of the firing of one hundred guns at New York city in honor of Major Anderson. These were exciting items. They hastened Governor Rector, of Arkansas, in advising the prohibition of the importation of negroes into that State "from any source," unless accompanied by their owners who shall settle and become permanent citizens of the State. A dispatch from Washington on the same day said that the differences in the cabinet had been reconciled by the withdrawal of General Scott's

all that a president might constitutionally and justifiably do in such a case, everything was foreborne without which it was possible to keep the government on foot."

General Joseph Holt defending President Buchanan's policy, said: "That the first shot in the Rebellion came from the enemy was due wholly to this policy of procrastination, then so severely censured; and yet it was this first shot and the fact that it was fired not from, but upon Fort Sumter and the flag floating over it, that inflamed and united the country, and gave to the national patriotism a fervor and resistless impetus which carried our armies and people in triumph and glory through the war. Had that first shot come from the batteries of Sumter, the fierce party passion then raging would have been swift to denounce the administration as making war upon the South, and fatal dissensions among ourselves might have ensued. Could therefore the short-sighted carpers of that day have been able to see the end from the beginning, the reproaches which they heaped upon President Buchanan would have turned to blessings on their lips."

name as a candidate for the office of secretary of war, and a letter from President Buchanan to the South Carolina Commissioners was published, which was very unsatisfactory, as it was filled with weak pleadings for peace and reconciliation. This excited something like contempt, especially on the part of the secessionists, who were more than ever outspoken, and were growing in numbers in Memphis. On the 5th a telegram from Jeffersonville, Mo., was published containing a declaration by Governor Jackson of that State that it was its true interest to stand by her sister slave-holding States. "She will," he said, "remain in the Union as long as there is any hope of her rights being guaranteed under the constitution, but she will oppose coercion which would lead to military despotism." The Federal system he was satisfied would be overthrown if one drop of blood was shed, and he advised the calling of a State convention. This very decided position by a governor of a border State, so liable to be overrun in case of war, gave encouragement to the secessionists and strengthened the weak and desponding conservatists. This was accompanied by news of the occupation of the arsenal at Mobile by Alabama troops acting under the orders of the governor of that State; and also by a letter from Washington stating that 5,000 men had been in training in Maryland and Virginia under officers of the regular army, to seize the Federal capital and prevent the inauguration of Lincoln. This was not true. But it is a fair sample of the rumors that found ready credence at the time. On the same day the South Carolina Commissioners feeling grossly insulted by the abrupt termination of their visit to the president, had left Washington for home, accepting his action as tantamount to a declaration of war. The *Appeal*, discussing the situation which was widening so threateningly every day, argued that the South should not be satisfied with anything less than the resolution offered by Senator Jefferson Davis as a member of the Senate Committee of Thirteen, which demanded an amendment to the constitution that should declare "that property in slaves, recognised as such by the local law of any of the States of the Union, shall stand on the same footing in all constitutional and Federal relations as any other species of property, and shall not be subject to be divested or impaired by the local law of any other State, either in escape thereto, or of transit or sojourn of the owner therein, and in no case whatever shall such property be subject to be divested or impaired by any legislative act of the United States, or any of the Territories thereof." On the 6th Senator Andrew Johnson's coercion speech was again referred to in the *Appeal*, which published an appeal from Professor Longstreet, president of the South Carolina College, imploring the people of that State to let the first shot come from the enemy. The return home of many Southern congressmen was announced, and the advocacy of a State convention by the western members of the Virginia Legislature, who were anxious that the State should put itself officially on record as opposed to coercion. On the 7th the Legislature was convened in response to a call by Governor

Harris, who in making it answered the demands of the people to whom such a course had been recommended by the leaders of the three great parties. The governor's message was a lengthy document, devoted mainly to the question upon which the country was divided with such recommendations as the emergency suggested. He recommended as the only safeguard for the future several amendments to the Federal constitution for the protection and perpetuity of slavery, one of which was to the effect that none of them should ever be changed without the consent of all the slave States; and if these were not consented to as necessary to the equality of the Southern States in the Union, he advised the maintenance of their independence out of it. He doubted that anything could be done by the South "to re-unite the scattered fragments of a violated constitution," and regarded her as having been "driven to the wall." The North could, however, restore the constitutional Union if she would. "Let them do this and peace will establish her court in the midst of this once happy country." But such results could not be hoped for. "Two months have already passed since the development of facts which make the perpetuity of the Union depend, alone, upon their giving to the South satisfactory guarantees for her chartered rights. Yet there has been no proposition at all satisfactory, made by any member of the dominant or aggressive party of that section." In view of these facts he could not close his eyes "to the conclusion that Tennessee will be powerless in any effort she may make to quell the storm that pervades the country. The work of alienation and disruption has gone so far that it will be extremely difficult, if not impossible, to arrest it, and before your adjournment, in all human probability the only practical question for the State to determine, will be whether she will unite her fortunes with a northern or southern Confederacy; upon which question, when presented, I am certain there can be little or no division in sentiment, identified as we are in every respect with the South." . . . "The sages and patriots of the Revolution, when in the act of severing their connection with the mother country, and establishing the great cardinal principles of free government solemnly declared that governments were instituted among men to secure their rights "to life, liberty, and the pursuit of happiness; deriving their first powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and institute a new government, laying its foundations on such principles, and organizing its powers in such a form, as to them shall seem most likely to effect their safety and happiness. . . But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security." Recognising these great principles, the governor said, "the people of Tennessee incorporated in their declaration of rights, as a fundamental article of the constitution of the State, that

government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind. Whatever line of policy may be adopted by the people of Tennessee, with regard to the present Federal relations of the State, I am sure that the swords of her brave and gallant sons will never be drawn for the purpose of coercing, subjugating, or holding as a conquered province any one of her sister States, whose people may declare their independence of the Federal government, for the purpose of being relieved from 'a long train of abuses and usurpations.' To admit the right or policy of coercion would be untrue to the example of our fathers and the glorious memories of the past, destructive of these great and fundamental principles of civil liberty, purchased with their blood; destructive of State sovereignty and equality; tending to centralisation, and thus subject the rights of the minority to the despotism of an unrestrained majority. Widely as we may differ with some of our sister southern States as to the wisdom of their policy; desirous as we may be that whatever action is taken in this emergency should be taken by the South as a unit; hopeful as we may be of finding some remedy for our grievances consistent with the perpetuity of the present Confederacy, the question, at last, is one which each member of that Confederacy must determine for itself, and any attempt upon the part of the others to hold, by means of a military force, an unwilling sovereignty as a member of a common Union, must inevitably lead to the worst form of internecine war." He recommended the re-organisation of the militia, and the purchase of arms, and that the question of convention or no convention be submitted to the people. He made no recommendation in regard to the penalties attached to suspended banks, leaving that subject entirely to the discretion of the Legislature. The Legislature which continued in session until the 4th of February, passed resolutions protesting against coercion by the Federal government, regretting the action of New York in offering men and money for the coercion of the seceding States, and instructing Tennessee's delegates to withdraw from the Peace Convention, proposed by her, if all the Southern States were not therein represented. Resolutions were also passed, proposing amendments to the constitution of the United States, and also by the House for the election of delegates by the House and Senate in convention to represent the State in a convention of the slave-holding States to assemble at Montgomery to consider a common plan of action; a resolution to appoint three delegates to a convention of the seceded States to state to that body the attitude of Tennessee "in the present emergency" was lost. A bill was passed, providing for a vote by the people of the State to decide by ballot "whether they are for or against the Union." The suspension of specie payments was legalised, and the State Bank was empowered to issue an additional million dollars and distribute the same among its branches for the relief of the people from the pressure precipitated by the

political condition of the country, and bills for the relief of citizens and tax-payers were passed. Mr. John Heriges, keeper of public arms, reported that he had 8,480 flint-lock muskets, half of them partially damaged; 335 percussion muskets, 350 carbines, fifty-four percussion pistols, 200 sabres, two six-pound guns in good order, and two unserviceable. In the hands of the uniformed militia companies of the State there were eighty flint-lock muskets, 604 percussion muskets, 230 rifle muskets, 841 percussion rifles, 228 percussion pistols, 170 cavalry sabres, and fifty horse-artillery sabres. This was the full extent of the military equipment of the State. No provision was made for the organisation of the militia, but an act passed in 1857 abolishing military duty was repealed, the governor was authorised in his discretion to organise three artillery companies, one for each grand division of the State, and the Memphis Dragoons were chartered. More significant of the future than these meagre and grudging military preparations was the visit of the Hon. L. P. Walker, as commissioner of Alabama, and of General J. T. Wharton, commissioner of Mississippi, to invite the co operation of Tennessee in the formation and establishment of the Condederate States of America. While thus the Legislature was dealing with the questions brought before it in a way most agreeable to the prevailing sentiment of the State in favor of the perpetuity of the Union, the newspapers were publishing exciting items of news, pro and con, of the positions occupied by leading politicians and that taken by the seceding States. On the 8th of January Senator Clement C. Clay, it was reported, returned to Washington, as his presence there was considered an omen of peace. But offsetting this it was stated that Governor Hicks, of Maryland, had delivered a strong Union address to the people of that State, justifying his refusal to convene the State Legislature. It was also reported on the same day that Mr. Lincoln had given Messrs. Seward and Thurlow Weed a *carte-blanche* to agree on any plan for the settlement of the existing political difficulties that would be acceptable to New York and Pennsylvania, why these States above all others was not stated. The members of Congress from Alabama and Mississippi telegraphed on this day to their respective States to secede immediately. Neutralising this somewhat, the telegraph also brought the information that the compromise proposed by Senator Crittenden, of Kentucky, was gaining friends, and that several hundred of the militia of Baltimore had offered to escort President-elect Lincoln in safety through that city. On the 9th the news of Mississippi's preparation to secede was published in the Memphis papers, and on the 10th that the work had been accomplished and all the members had signed the ordinance in order to make it unanimous. On the same day the United States steamer *Star of the West*, in an attempt to enter Charleston Harbor with troops and military supplies to reinforce and provision Major Anderson, was fired upon by the batteries on Morris Island, whereupon she turned and went out to sea, there being no attempt made to

defend her by the guns of Fort Sumter. This had the effect of hastening the Cotton States, the people of which were further greatly excited by the publication of a special message by President Buchanan to the House, in which he defended the sending of this steamer with aid and succor for Major Anderson, saying there was "no other alternative but to collect the revenue and protect the public property. The right," he had at last concluded, "to use military and naval force against illegal assaults is clear and indisputable." Florida went out on the heels of this announcement by a vote of sixty-two to five, and Virginia it was promised was to go out on the 20th of February, the Legislature having been called by Governor Letcher to convene on the 28th. The *Appeal*, hitherto very consistently conservative, in a candid discussion of the situation on the same day declared that "secession is peace, and coercion civil war." The news was also published of three military expeditions having been fitted out in New Orleans to seize Forts Jackson and Pike and the United States Arsenal at Baton Rouge; that the president had decided to remove from the executive department every officer who advocated secession; and that Senator Davis having complimented the high character of the commissioners of Mississippi, Senator King, of New York, had made haste to respond that "so Benedict Arnold and Aaron Burr had once high characters." On the 12th announcement was made of the secession of Alabama on the previous day by a vote of sixty-nine to thirty-one, and amidst great excitement; that the sub-treasury, custom-house and post-office at St. Louis had been taken possession of by the Federal troops; and that Lincoln had tendered a seat in his cabinet to Henry Winter Davis, which was subsequently denied by Mr. Lincoln. On the 15th it was telegraphed that the collector of customs in Mobile had declined to honor drafts by the general government until he received orders from the governor of Alabama. On the 18th it was telegraphed to the press that President Buchanan had assured the South that while he could not recognise as *de facto* the government of any separate State, it would not be inconsistent in him to recognise as *de facto* a government of three or nine States combined; and that the Convention bill had passed the Senate of Missouri. On the 19th it was telegraphed that Secretary of State Black had informed the Diplomatic Corps at Washington that foreign vessels could not properly pay duties to the custom officers of South Carolina, and that clearances from them would not be legal; and Colonel Chase commanding the State troops in Florida had telegraphed the mayor of New Orleans for 2,000 men to aid in taking Fort Pickens, Pensacola, which had been recently strongly garrisoned by Federal troops; that Judge Smalley's recent charge to the grand jury, defining high treason, was driving many Southern gentlemen out of New York city; that Georgia had seceded the day before, and that the North Carolina Legislature had agreed to call a State convention on the 20th; that Senator Sumner's resolution had been adopted by the Senate

demanding of the president all correspondence between the State department and any foreign minister relating to foreign vessels at Charleston harbor; that on the confirmation of Mr. Holt to be secretary of war Senator Crittenden, of Kentucky, said "the Union must be preserved either peacefully or forcibly; that Kentucky would not consent to be a border State of a Southern Confederacy; and that force used against the lawless citizens of a government is not coercion." It was also published that the Legislature of Massachusetts had declared the proceedings of South Carolina to be acts of war, and tendering men and money to the president to help in the enforcement of the laws of the United States. On the 22d announcement was made that the convention bill had passed the Tennessee Legislature, and that an election for delegates to it had been ordered for the 9th of February. On the 23d the *Appeal* contained a report of an anti-coercion meeting in New York city; that the people of Brooklyn were greatly excited over a rumor that the Southern sympathisers in that city were about to make a descent upon the navy yard; that Kentucky would support her Southern sisters at all hazards if an attempt was made by the Federal government to invade Southern soil, which induced the comment by the *Appeal* that "if Virginia secedes and Congress passes no compromise soon, the people will prepare to withdraw from the Union before the 4th of March." On the 24th the Legislature of Rhode Island repealed the personal liberty bill of that State; and it was published that the Louisiana convention had ordered that a draft of the secession ordinance be made; that steps were to be taken to prevent the eastern manufacturers from selling rifled cannon to South Carolina for the reduction of Fort Sumter; that the slave girl, Lucy, on trial as a fugitive at Cleveland, was to be returned to Virginia at once; and a letter from Colonel Sam. Tate, president of the Memphis and Charleston Railroad, was published by the *Appeal*, in which that gentleman foresaw that the only remedy for the people of Tennessee was in secession; also a telegram stating that an ordinance had been passed by the Georgia State Convention prohibiting the African slave trade. On the 26th the secession of Louisiana was announced, carried by a vote of 115 ayes to 17 nays; and that the United States arsenals at Augusta, Ga., had been surrendered peaceably to Governor Brown. On the 17th the *Appeal* denounced Emerson Etheridge, Whig Congressman from Tennessee, as a deserter to the ranks of the Republican party; announced H. S. Foote, John C. Burch and James M. Hamilton as candidates for delegates to the State Convention and who were opposed by Andrew Ewing, Neil S. Brown and Russell Houston as representatives of the union at-all-hazards party of Tennessee; and that at a meeting of the workingmen of Philadelphia, six thousand people stood ankle deep in snow to listen to speeches conciliatory in tone and approving the Crittenden resolutions. On the 27th the candidates for the convention were announced—for Shelby county, senatorial candidate, Marcus J. Wright; representative candidates, Solon Borland and David M. Curren, and for floater can-

didate, Humphrey R. Bate. On the 29th a bill passed the National House of Representatives admitting Kansas into the Union under the Wyandotte constitution by 117 ayes to 42 nays; the Louisiana Legislature instructed their senators and representatives in Congress to vacate their seats and return home; and Judge McCall, of Louisiana, resigned his position as United States District Judge on account of the secession of the State. On the 30th Mr. Lincoln was reported to have urged in a private letter to his friends in Washington a course of conciliation and compromise, accepting the Border State resolutions as a basis for an amicable adjustment; announcement was made that the Texas Legislature had met on the 22d, and that Governor Houston had approved a call for a State Convention, and that a resolution had passed both Houses instructing the State comptroller to go to Washington and collect $180,000 due that State by the general government; and the Chamber of Commerce of Memphis at a general meeting held on that day adopted a resolution urging the immediate repeal of the "stay law" as tending to impose on the State of Tennessee the stigma of bad faith to those to whom "our citizens are indebted." On the same day the Irish citizens of Memphis held a meeting, over which Colonel Michael Mageveny presided, Charles M. Quinn, acting as secretary, at which it was resolved that "we buckle on our armor and do battle in defence of our Southern homes and Southern institutions; and that we pledge our entire support to the nominees of the secession party for delegates to the State Convention." On the 31st it was announced that the Tennessee Legislature had appointed commissioners to Washington, and that the United States Senate had passed a Pacific Railway bill. On the 1st of February the State of Texas seceded by a vote of 166 to 7, and Governor Houston recognising the convention as the sovereign authority of the people declared his attachment to the South, and desired Texas to join the Southern Confederacy. President Buchanan received the demand of the Legislature of South Carolina for the surrender of Fort Sumter, declaring that if he refused the fort would be attacked. Mr. Magraw of South Carolina, United States Consul at Liverpool, submitted his resignation to the president; ex-Secretary Floyd and others were indicted at Washington for conspiracy to defraud the United States government; Pennsylvania and Ohio appointed commissioners to the convention to meet at Washington on the 4th of February; and the *Appeal* discussed Colonel Robertson Topp's union speech, published in the *Bulletin* of the 29th and 30th. On the 2d Senator Seward was reported to have said that the crisis would pass away in ninety days. On the 3d Horatio King was appointed postmaster-general, vice Joseph Holt, resigned. On the 5th the mint and custom house at New Orleans was taken possession of by the State authorities of Louisiana; Colonel Hardee resigned from the army; the secretary's dispatch to Hemphill Jones, at New Orleans, to arrest Captain Bushwood, intercepted at Montgomery by the governor of Alabama, was forwarded to the governor of Louisiana; and Mr. John Erskine,

an Irish naturalised citizen, wrote to Governor Harris asking if such a citizen would violate his oath of allegiance to the United States by voting the secession ticket. The governor answering "no; the rights of the naturalised and native born citizen to vote as he pleases being exactly the same." On the 6th the secession cause was announced as triumphant in Virginia, and that ex-Governor Wise had been elected to the convention; that the Louisiana State convention had passed a bill providing for the organisation of troops; that Governor Brown, of Georgia, had demanded the guns taken off the *Monticello*, in New York harbor; that Senator Slidell had sent to the clerk's desk in the Senate the ordinance of secession recently passed by the Louisiana State Convention, saying as he did so that the new Confederacy would recognise the obligations of all the existing relations of the States, especially the African slave trade. Referring to the blockade he said the South would permit no interruption to her commerce, and was sure that foreign nations would interfere if they were not admitted. Senator Benjamin followed him and showed the fallacy of the position that Louisiana could not go out of the Union because she was bought as the property of the United States, and he and Slidell bade the Senate farewell. The Hon. Edward Bouligny, a representative from Louisiana, in a speech in the House on the same day said he would resign his seat but should continue a Union man. On the 7th a man was arrested in Memphis, who gave his name as Spurlock, charged with selling four negroes without license, for which he was fined twenty-five dollars, whereupon he made an abolition speech, expressing the hope that Lincoln would rule over the city and the State, the land that held the graves of his fathers, and run all the negroes out of it. For this he was fined another twenty-five dollars for contempt of court. Although much excitement existed he was not molested. On the 8th the *Appeal* published Emerson Etheridge's coercion speech delivered in the House of Representatives, in which he proposed to meet the secessionists with a torch in one hand and a sword in the other. On the 9th the governor of Arkansas demanded the surrender of the arsenal at Little Rock. Captain Totten complied, and a company of troops from Helena, under Captain Johnson, was detailed for the post. On the 10th the *Appeal* commented on the untoward result of the election for convention or no convention, which was decided in the negative by a vote of 91,803 to 24,749. "The Unionists," the *Appeal* said, "have without exception elected their candidates for the convention, and at the same time decided against allowing the delegates to assemble in convention. Rather a ludicrous situation." On the same day announcement was made by telegraph that the provisional government of the Confederate States of America had been completed by the election of Jefferson Davis, president, and Alexander H. Stephens, vice-president; and that the peace congress had organised. On the 13th it was published that Mr. Lincoln, in answer to the question "whether marching an army into South Carolina would

be an invasion," said he thought it would, and added as his opinion that "the United States should merely hold and retake her own forts, and collect duties or withhold the mails." He also said that "a State had no more right to break up the Union than a county by withdrawal to break up a State." On the 15th the *Appeal* published the constitution of the Confederate States of America. On the 19th announcement was made by telegraph of the inauguration of Jefferson Davis, whose address was based on the propositions contained in the declaration of independence. On the 20th the statement was published that the Border State men bitterly denounced President Jefferson Davis for his inaugural address at Montgomery; and the *Appeal* denounced Senator Andrew Johnson in the severest terms because he voted for the passage of a bill to make an appropriation of $1,200,000 to build seven sloops of war for the avowed purpose of coercing the seceded States, and said the speech and attitude of Senator Green, of Missouri, were a marked contrast. On the 28th Henry T. Ellett, of Mississippi, was announced as postmaster-general, and Juda P. Benjamin, attorney-general in President Davis's cabinet; and A. B. Romain, of Louisiana, Martin J. Crawford, of Georgia, and John Forsythe, of Alabama, commissioners to Washington; Captain R Josselyn, of Mississippi, was also announced as private secretary. On the 1st of March it was published by telegraph that General Twiggs had been stricken from the United States army roll as "a coward and traitor." On the 2d a correspondent of the *Bulletin* complained that Colonel Sam Tate had tendered the free use of the Memphis and Charleston Railroad to the governor of Mississippi for the transportation of troops and munitions of war. The *Bulletin* explained that he only obeyed the orders of the directors; and it announced as by telegraph from Washington that Captain Armstrong was to be court-martialed for surrendering the Pensacola navy yard to the Florida authorities. The *Appeal* commented on the proceedings of the peace congress just closed, which it characterised as Star Chamber deliberations, saying that "the South had asked for bread and they gave it a stone." On the 4th an account was published of Lincoln's inauguration as president of the United States, and an extract of his inaugural in which he promised to enforce the Federal laws, to retake and hold all Federal property in the seceded States, denying the right of secession and asserting the right of coercion. The items thus grouped afford the reader a realistic view of the condition, and of the oscillations and variations of the public mind of the republic under circumstances such as the present generation cannot understand. But the issue that provoked that uncertain condition was one well calculated to convulse the people of the South, much of whose wealth, the savings of two centuries, was at stake. It had been threatened many times, but it was for the first time really jeopardised. The same amount of any one kind of property assailed to-day would beget in any section of the Union a degree of excitement and a unanimity of sentiment and action quite as conclu-

sive as the seceded States had then manifested. Everywhere within their borders commerce, trade and manufactures were suspended. All classes were preparing for war, some drilling as soldiers, some already in the field and some engaged in the avocations and handicraft business essential to the equipment of troops and sustenance of large bodies in the field. Step by step, as the foregoing pages show, the Cotton States had in three months passed from protest and threat to action, and had taken the initiative of war in the capture of forts, and the state of siege that existed towards Fort Sumter in Charleston harbor. Memphis, full of sympathy with these States, was impatient of the strong Unionism manifested by other portions of Tennessee. Her situation and her trade made her the *entrepot* of the people of Mississippi and Alabama, as well as Arkansas, and she was eager to be identified with them in a step deemed necessary for the protection of their slave property. The spirit that prevailed in those States had communicated itself to her people, and as trade had dropped off they had plenty of time to devote to the approaching "war, its causes and its consequences." Even the Board of Mayor and Aldermen became silent and expectant. They discussed the location of the proposed court-house and jail in a merely perfunctory way, and took no decisive action, and they took some interest on the 12th of January in the opening of the Mobile and Ohio Railroad, which was an important connecting line and feeder of the Memphis and Charleston Railroad. On the 20th of February they were greatly disturbed by some legislation procured or suggested by Judge Archibald Wright, by which the city was reduced in size by the lopping off of some of the old Fort Pickering territory, which left the mayor, J. D. Williams, the judge himself (then a member of the board), and the chief of police outside the city limits. The board visited its censure on Judge Wright by a formal vote, but it would have been millions in the pockets of the people had the limits been still further curtailed, and the number of miles of streets and alleys been reduced to a figure within the reach of the taxpayer's power to pay for paving and maintaining in good repair. In the latter part of February the newspapers announced that Mynatt, who had been admitted to bail, had been overtaken on Main street, near the corner of Monroe, by S. M. Webb, brother of J. L. Webb, son of the man he had killed, and was shot and it was feared fatally wounded. But he survived that peril, and subsequently, also, the peril of the courts.

XVI.

MR. LINCOLN'S inaugural, though skillfully and plausibly worded, was a message of war to the Southern States. They were determined that the Federal government should not again possess and hold the forts, arsenals, custom-houses, mints and other public property in the possession of such of them

as formed the Confederate States, and taking his words to mean just what they expressed, they saw that an attack by the Federals must follow and resistance by them be made. A collision of any kind between any number of armed men was all that was needed to precipitate a conflict, the duration of which it was beyond human foresight accurately to predict.[1] As president of the United States Mr. Lincoln could do no less than attempt to repossess that property in the name of his government. On the other hand the Confederate States government having taken all the necessary steps for its perpetuity, could do no less than resist such an attempt. The pledges and promises by Mr. Lincoln not to interfere with slavery in the States where it existed, to see that the fugitive slave law was enforced, and even to consent to a national constitutional convention to secure additional guarantees for slavery, beyond being a record of his position consistent with his own and his party's record, were as so many idle words given to the wind. And so, his argument for the stability of a constitutional union was lost upon those whom most it was hoped to reach, as was his patriotic appeal to his dissatisfied countrymen. To the Southern people the Union and its constitution were no longer questions. They had put these away forever, as they said and believed, and in a union composed of homogeneous States hoped to work out their own destiny in their own way. An immediate answer to the overtures of Mr. Lincoln's inaugural, by the Confederate government, was the ordering of General Beauregard to the command of the forces in Charleston Harbor, and General Bragg to command the troops at Pensacola, Fla. In Memphis, where popular sentiment had undergone a very radical change, resentment upon the publication of the message was immediately manifested in declarations that no man would be permitted to hold office under the Lincoln administration.[2] A rumor to the effect that petitions for aid to secure that office had been sent to Andrew Johnson and Emerson Etheridge, who still retained their seats—the first in the Federal Senate and the second in the House of Representatives—was made the subject of investigation by the Committee of Safety, and the minute men, who, to the number of seven hundred, had been organised in anticipation of

[1] Singularly enough, Mr. Seward, Federal secretary of state, and Mr. Benjamin, afterwards Confederate secretary of state, both predicted that the war would end before ninety days had passed.

[2] Mr. Lincoln, on the 5th of March, sent to the Senate then in extraordinary session, the names of the following gentlemen as those of his selected cabinet officers :

For Secretary of State, William H. Seward, of New York.
For Secretary of the Treasury, Salmon P. Chase, of Ohio.
For Secretary of War, Simon Cameron, of Pennsylvania.
For Secretary of the Navy, Gideon Welles, of Connecticut.
For Secretary of the Interior, Caleb B. Smith, of Indiana.
For Attorney-General, Edward Bates, of Missouri.
For Postmaster-General, Montgomery Blair, of Maryland.

the secession of the State, and in April were inquiring into the how of Mr. John McCormack's being appointed United States district attorney. The feeling of the people was being consolidated in one direction, and was growing more intense. The *Appeal*, which on the 20th of March published the statement that Rolfe W. Saunders had been commissioned postmaster, announced that "riot was anticipated when he takes charge of the office." The people were already in full sympathy with those of the Southern Confederacy. Several companies of Mississippi troops passing through the city on the 28th of March "were received with every evidence of pleasure and delight," and at a meeting of the merchants held at the new Exchange building —which had become the center and heart of all the trade activities of the city— resolutions were unanimously adopted endorsing Southern rights, and that "we the merchants of Memphis pledge ourselves to support no man for office who is not pledged to the immediate and irrevocable secession of Tennessee from the Black Republican Union;" and "that in the event of the State of Tennessee finally going with the abolition confederacy of the North, West Tennessee will join with the Confederate States, even if it must be done at the expense of revolution." Secession meetings were held at Germantown and Collierville, and at a county convention, held at Raleigh on the 1st of April, resolutions were passed accepting the constitution of the Confederate States, and ordering that primary meetings should be held in each ward in the city, and precinct in the county to elect delegates to another convention to be held at the same place on the 1st Monday in May. All this was in advance of any action by the people of other portions of the State, most of whom were nervously awaiting events. The public was in a chronic condition of excitement, and ready for any emergency or change, willingly seizing upon any pretext that would justify an ebullition of feeling. On the 10th of April one such was furnished by the arrival of the steamer *H. R. W. Hill*, commanded by Captain Newell, who in St. Louis had been subjected to some indignities because he hoisted a Confederate flag upon his yawl. On approaching the landing the steamer was saluted by an immense throng of people who gave expression to their enthusiasm and sympathy, and presenting "the plucky captain" with a handsome Confederate flag, saluted it with many rounds from cannon planted on the bluff. But other cannon were being fired, the echoes of which were in anger not rejoicing. On the 12th of April the Confederate batteries in Charleston Harbor opened a concentrated fire on Fort Sumter, and on the 13th had made it untenable, so that Major Anderson was compelled to surrender to General Beauregard. It was a bloodless victory, but the destruction of the fort showed plainly that the concentrated fire of many forts had been well directed, and the purpose of the reduction been well planned. Mr. Lincoln, following up his promise to perform his duty and re-possess the government in its property, had fitted out a formidable fleet—notice of the approach of which had been given to

Governor Pickens of South Carolina by Secretary Seward—anticipatory of the encounter with which General Beauregard made the furious assault on Sumter, that in twenty-four hours ended in its reduction. The announcement of this event occasioned great excitement in Memphis, and the whole population poured out to hear the news as it was read in front of the telegraph office. The rejoicings took on the most extravagant forms of demonstration, and predictions were made of a short and decisive war, to end in the recognition of the Confederate States by the United States, and the adjustment of all differences between them as to public debt and public property by commissioners. But this was to be a short-lived dream. President Lincoln on the 15th made a call upon the States for 75,000 men, and asked for 2,000 of them from Tennessee. Governor Harris, fully justified by the condition of the public mind, and the demonstrations of the people in the middle and western parts of the State, responded that "Tennessee will not furnish a single man for coercion, but 50,000 if necessary for the defence of our rights and those of our Southern brethren." This voiced the spirit and determination of a majority of the people, who began at once to organise troops. The citizens of Memphis at the largest mass meeting "ever held within the city's precincts," resolved unanimously that Tennessee should secede from the Union. General Pillow anticipating the secession of the State visited Montgomery on the 17th, and offered his services and a regiment of Tennesseans to the Confederate government. Leo Ketchum and G. D. Jones, merchants of Memphis, began to organise a battalion of five hundred men, and the ladies of Memphis in a card addressed to the editors of the *Appeal*, and published in the *Appeal* of that date, declared that "though we cannot bear arms, yet our hearts are with you, and our hands are at your service to make clothing, flags, or anything that a patriotic woman can do for for the Southern men and Southern Independence." The citizens of Chelsea also met and resolved "to support at all hazards the Confederate States government against Lincoln and his emmissaries;" and at a meeting of the board of mayor and aldermen $59,000 were voted for the defence and protection of the city of Memphis. In the meantime the other border States, aroused by the president's call for troops, had each declined, and begun preparations to arm to resist invasion, and "transfer their allegiance and power and influence to the Southern Confederacy." Governor Magoffin replied to Mr. Lincoln, "I say emphatically Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States." Governor Rector of Arkansas and Governor Jackson of Missouri were equally emphatic, and so were the governors of North Carolina and Virginia, which seceded on the 17th, her capital being shortly after made the capital of the Confederacy. On the 18th the surviving soldiers of the War of 1812 joined the "Home Guards" organised by the Mexican Veterans of Memphis; Colonel A. H. Douglas took steps for the formation of an artillery company; the Bluff City Greys were organised, and the "Crockett Rang-

ers" as a part of the One Hundred and Fifty-fourth regiment under command of Colonel Smith. On the same day Governor Harris's proclamation was published convening the senators and representatives of the two houses of the general assembly at the capital at Nashville, on the 25th at 12 M., "to legislate upon such subjects as may then be submitted to them." On the 20th the "Jeff Davis Invincibles" prepared for the field, the Shelby Greys were organised, and the Mounted Riflemen organised for service. On the 21st Mr. Galbreath was sent to New Orleans to procure one hundred and fifty Sharps rifles for the "Home Guard," and the announcement was made that cannon and cannon ball were being cast at the foundry of the Memphis and Charleston Railroad Company's machine shops. Business was almost suspended. The energies of the people were being gradually turned in the direction of war and war equipments. And they were being hurried into this by the events that were transpiring around them. The capture of Harper's Ferry and the destruction of the army were reported on the 20th, and President Davis's proclamation relative to armed vessels and letters of marque and reprisal, which was called out by the proclaimed blockade of all the Southern ports by President Lincoln, had the effect of strengthening the confidence of Tennesseans in the secession movement. There was also the reassuring statement that Charleston had taken $2,000,000 of the $15,000, 000 loan ordered by the Confederate government, and New Orleans asked for $5,000,000. On the 21st the post-office clerks met and resolved not to serve under any one attempting to act as postmaster by virtue of a commission from Abraham Lincoln; General Pillow made a call for troops; the Virginians residing in the city held a meeting and resolved to stand by their State and the Confederate government; Speed, Donoho and Strange received a letter from Colonel Chalmers, commanding a Mississippi regiment at "Camp Davis," near Pensacola, Fla., acknowledging the receipt of a Confederate flag and thanking them warmly, hoping it "may soon wave in triumph over the shattered walls of Fort Pickens;" the "Garibaldi Guards," composed of Italian citizens, organised, and the "Memphis Marine Guards" were rapidly filling up their ranks; Mr. F. Titus, president of the Committee of Safety, in a communication to the press was pained to hear of the desecration of the Sabbath by the issuance of a war proclamation by Abe Lincoln, on Sunday the 14th, also that he had seen a notice in the papers of the proposed burial of an American flag by the military and citizens on this Sunday, the 21st. "The committee recommend and advise that no desecration of the Sabbath in this Christian land take place on this day in our city." This suggestion was followed and the flag was not buried. On the 29th of April Governor Harris had ordered to be seized $66,000 worth of Tennessee bonds and $5,000 in cash belonging to the United States which were found in the possession of the collector of the port of Nashville. This was done in reprisal for the seizure by the Illinois State authori-

ties at Cairo, Ill., of the steamer *Hillsman*, because she was laden with lead, arms and munitions of war, the property of the State of Tennessee. A schedule of these bonds was made out and presented to the Legislature with a view to future adjustment. On the 23d the Greenwood Rangers, a cavalry company, was formed, the Gayoso Hotel and the Worsham House proprietors hoisted the Confedetate flag over their buildings; a "layman" wrote the *Appeal* protesting against prayers being delivered in Calvary Church any longer for Abe Lincoln's prosperity "in his infernal crusade against the only patriotic and religious people of America," and he suggested that all persons stay away from that church until the rector and the bishop shall cease to call upon the people to pray for the president of the United States; Mayor Baugh, all the ordinary routine of business for the city being suspended, made proclamation that Alderman S. T. Morgan would attend to duties not requiring official sanction by statute, that Alderman R. M. Kirby, chairman of the Vigilance Committee of the board, would take charge of matters pertaining to the public business of the city; and that he himself would be found at Monserrat, Dupree & Co's., assisted by William Kirk, who would control disbursements for munitions of war and troops, and keep the books and correspondence in relation thereto. On the 28th the State of Louisiana responded to the request for aid made by Memphis through W. G. Ford and Governor Moore and sent a battery of 32 pound guns, 3,000 Mississippi rifles and 500,000 cartridges; a French military company was organised; the Washington Rifles were presented with a flag; the association of "Southern Mothers" was formed, also the association of the Sixth Ward Home Guards; and Assistant Rector Hines, of St. Mary's (Protestant Episcopal) Church announced that "communion service only would be thereafter performed, that morning prayer would not be said, and thus without a violation of the constitution, canons or rubrics of the church, the service will be eminently adapted to the exigencies of the times." The Legislature called together in extraordinary session for the second time this year, met at Nashville and remained in session until the 9th of May, and submitted a declaration of independence and the question of separation from the Union and representation in the Confederate States Congress to the people to be voted upon on the 8th of June; approved the action of the governor in refusing troops to Abraham Lincoln, authorised the appointment of a military and financial board to act in conjunction with the governor, the calling out of 55,000 troops and voting $5,000,000 to arm and equip them, and that the governor organise all the necessary ordnance, subsistence, pay and quartermaster's departments; adopted the articles of war of the United States and the rules and regulations of the army so far as was applicable in the organisation of those departments and for the government of the army; and the governor was authorised to purchase all needed supplies, rations, ordnance and arms, to order the organisation of all the regiments and companies tendered him

that they might be drilled and held in readiness for service in the State, or to assist any "of the sister Southern States in the present revolution in defence of liberty and justice;" it also authorised the stationing of guards at railway bridges; appointed a committee to prepare an address to the people; and a commission of three citizens was appointed who were authorised to enter into a military league with the Confederate States for mutual protection pending the consideration by the people and their vote upon the questions of separation and representation; the Hon. H. W. Hilliard, of Alabama, was also received by both Houses in convention, as the commissioner of the Confederate States government to present the purposes and objects of that government to the people of the State of Tenesseee, and invite their co-operation; the Legislature also authorised the printing of an edition of Scott's and Hardee's "Military Tactics" for the use of the State; also the concentration of armed troops at Union city, or near the northern boundary of West Tennessee; also a bill to prevent the collection of debts due by citizens of Tennessee to citizens of the non-slaveholding States during hostilities. On the 7th of May the commissioners to enter into a military league with the authorities of the Confederate States—Washington, Banon, Archibald, O. W. Totten and Gustavus Henry — agreed upon and executed such a league with Henry W. Hilliard, the accredited representative of the Confederate States at Nashville, by which it was agreed that the president of the Confederate States should thereafter control all the troops of and military operations in Tennessee, just as if that State was a member of the Confederacy; that on the State becoming a member of such Confederacy it was to turn over to it all the public property it might have acquired from the United States; and that whatever expenditures of money the State should make should be reimbursed to her by the Confederate States. The Legislature also adopted a resolution authorising the banks to issue notes of any denomination less than one dollar; also a bill authorising county courts to issue scrip in anticipation of the tax levied by the bill authorising the "equipment of troops." The code of the State was amended in several important particulars to conform to the exigencies of the time; the governor's nominations for chiefs for the various departments of the army called into existence, being confirmed, among them Major-Generals Gideon J. Pillow and Samuel R. Anderson; and the 96th section of the militia law of 1840, prescribing an oath to support the constitution of the United States was repealed; and a joint resolution was passed providing for a bank Congress of the Southern States; also a bill authorising the soldiers in camp to vote on the 8th of June on the question of separation and representation,[1] and upon the declaration of inde-

[1] The ordinance passed on the 6th of May was entitled "An act to submit to a vote of the people a declaration of independence, and for other purposes." The first section provided that the governor should, by proclamation, require the respective officers in each county to hold the polls open in their several precincts on the 8th day of June ensuing, and the second provided

pendence. All this accomplished, the Legislature adjourned on the 9th of May to the 17th of June. During the time of its first session and up to the time of its meeting in second session, the governor had been active in the exercise of the functions of his office and the extraordinary duties put upon him by the additional legislation thus briefly stated. On the 27th of February he ordered Major-General Anderson to organise the volunteer forces of West Tennessee, and Major-General Pillow to supervise the erection of batteries along the Mississippi River above Memphis, and by the 30th, Fort Harris, sixteen miles above Memphis, was completed and manned under the command of Lieutenant Winters. On the 2d of May the message of President Davis to the Con-

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that the following declaration of independence be submitted to a vote of the qualified voters for their ratification or rejection:

Declaration of Independence and Ordinance dissolving the Federal relations between the State of Tennessee and the United States of America,—

1st. We, the people of the State of Tennessee, waiving an expression of opinion as to the abstract doctrine of secession, but asserting the right as a free and independent people to alter, reform or abolish the form of government in such manner as we think proper, do ordain and declare that all the laws and ordinances by which the State of Tennessee became a member of the Federal Union of the United States of America, are hereby abrogated and annulled, and that all obligations on our part be withdrawn therefrom; and we do hereby resume all the rights, functions and powers which by any of said laws and ordinances were conveyed to the government of the United States; and absolve ourselves from all obligations, restraints and duties incurred thereto; and do hereby henceforth become a free, sovereign and independent State.

2d. We furthermore ordain and declare that article 10, sections 1 and 2 of the constitution of the State of Tennessee, which requires members of the General Assembly, and all officers, civil and mititary, to take an oath to support the constitution of the United States, be and the same are hereby abrogated and annulled, and all parts of the constitution of the State of Tennessee, making citizenship of the United States a qualification for office, and recognising the constitution of the United States as the supreme law of this State, are in like manner abrogated and annulled.

3d. We furthermore ordain and declare that all rights acquired and vested under the constitution of the United States, or under any act of Congress, passed in pursuance thereof, or under any laws of this State, and not incompatible with this ordinance, shall remain in force and shall have the same effect as if this ordinance had not been passed.

The third section provided for the election by ballot; the fourth that soldiers in camp should vote; and the fifth provided for the submission of

An ordinance for the adoption of the constitution of the Provisional Government of the Confederate States of America.

We, the people of Tennessee, solemnly impressed by the perils which surround us, do hereby adopt and ratify the constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Ala., on the 8th day of February, 1861, to be in force during the existence thereof or until such time as we may supersede it, by the adoption of a permanent constitution.

The sixth section of the act prescribed the form of ballot for or against representation, and the seventh provided for an election of delegates to the Confederate Congress in case the Provisional Constitution was adopted. Provision was also made for the submission of the above "Declaration of Independence" to a vote of the people.

federate States defined the attitude of that government to be one solely of self-defence, which was endorsed by the press of Memphis. On the 4th, the Hickory Rifles received the arms of the Washington Rifles, and with the Bluff City Greys left for Randolph; on the 16th the Shelby Greys and the Tennessee Guards departed for the rendezvous of their regiment near Germantown; on the 17th General Pillow ordered all companies not organised into regiments to rendezvous near Jackson, on or before the 23d, Colonel J. H. McMahon to act as quartermaster and commissary; on the 18th the Emerald Guards and Carrol Guards of Memphis, were quartered at Fort Harris; on the 5th of June the Board of Mayor and Aldermen authorised the mayor to have the flint-lock muskets belonging to the city changed to percussion locks, and the Washington Rifles to take their departure for Union City. On the 8th the election for separation and representation was taken, the result being afterwards declared by the secretary of state to be: For separation, 108,418; against 53,336. For representation, 101,701; against 47,364. On the 17th the Legislature re assembled and continued in session until the 1st of July. On the 18th the governor in a congratulatory message announced that the people had, "in the most solemn and deliberate manner, dissolved their connection with the government of the United States, and by the adoption of the Provisional Constitution of the Confederate States of America have made Tennessee a member of that government;" and he recommended that, to conform to the new order of things, the words United States be stricken out of the law defining the crime of treason, and that those of the Confederate States be substituted instead; that the law of 1852, providing for the payment of the principal and interest of the internal improvement bonds of the State at the city of New York be amended to make the same payable at the Bank of Tennessee at Nashville, or at Charleston or New Orleans; he also submitted the question of a uniform currency throughout the Confederacy, and recommended that the act providing for bonds to be issued to defray the expenses of the provisional army of the State be so modified that three-fifths of the whole amount be issued in treasury notes.[1] He also

[1] On the same day that the Legislature passed an act "to raise, organise and equip a provisional force," it empowered the governor to issue $5,000,000 of eight per cent. bonds to raise the necessary funds. The banks and branches were also authorised by the eleventh section of the act to invest in these bonds, and classify them, when such investments were made, as "specie funds." The governor was authorised to choose and establish a military and financial board, of which he was president *ex officio*, with unlimited power to carry out the act and accomplish its purposes. The governor established his military and financial board. They transferred $4,300,000 of the eight per cent. bonds to the Bank of Tennessee at par, and the board was thereupon given credit for that sum on the books of the bank; but the bank disposed of $1,077,000 to other banks. At once the board began to draw checks upon the bank, and by the middle of January, 1862, had drawn from the bank $4,625,460.48, or more than $153,342.33 after giving credit for the $4,300,000 allowed for the bonds, as well as all other credits besides. This large sum, paid out on the checks of the military and financial

announced that twenty-one regiments of infantry had been armed and equipped and put in the field, that ten companies of artillery were in process of organisation, and a sufficient number of cavalry companies to compose one regiment; in addition to which these regiments had been mustered into the service of the Confederate States, and there were a number of the citizens of the State in the service of that government at Pensacola. The Legislature, in the regular order of business, adopted a resolution requesting the judges of the State not to hold their courts for the period of twelve months; to raise a joint committee upon the permanent constitution of the Confederate States; bills chartering arms and lead mining and powder manufacturing companies; instructing the governor immediately to place all the troops organised and sworn into the service under the control and management of the president of the Confederate States; and provision was made for paying the private soldiers of the State four dollars per month in scrip, to be paid upon the conclusion of the war, in addition to what the Confederate States would pay them, making in all fifteen dollars per month. An extraordinary document was received by both houses on the 26th, purporting to be a memorial in protest by the people of East Tennessee, assembled in convention at Greenville, against the secession of the State as an illegal proceeding, and asking the consent of the Legislature to the erection of that portion of the State with such counties of Middle Tennessee as might join them into a separate State loyal to the United States. This was referred to a committee of each house, which reported against the prayer of the petitioners for reasons stated at length, among them being that the committees were not satisfied that the Greenville Convention represented the people of East Tennessee, and they declined to discuss the policy proposed by the memorial as well as other questions raised by it, and recommended the submission of the question of separation to the next Legislature, which would assemble in a few months. This report was unanimously adopted, and acts were passed to prevent the sale of property under execution; to prevent any citizen of the State from holding any Federal office; to transfer the Hermitage to the Confederate States as the site of a military academy; to empower the governor to enrol all free colored males between the ages of sixteen and fifty to be employed in building fortifications; to repeal all laws in regard to bowie knives; and to suspend the distribution of the common school fund, exempting State bonds for military purposes from taxation, empowering the governor to issue $3,000,000 in treasury notes, in denominations of not less than five nor more

board, was in part made up of the money placed in the bank by its depositors. The president and cashier of the bank promptly acceded to the demands of the financial board, and the governor had no occasion to resort to the extreme and plenary powers lodged in him by this act authorising the loan. The bank belonged to the people, the Legislature represented the people, and their acts were the declared and loyal acts of the people. There was, therefore, no other alternative for the officers of the bank, who were, besides, sympathisers with the Confederate cause and eager and earnest supporters of the war policy of the State.

than five hundred dollars. Public opinion sustained a very wise course of action, and the Greenville Convention was soon lost sight of amid the dreadful storm of war now precipitated upon the country. The Confederate States government was now complete. Arkansas had become a member of it on the 6th of May, North Carolina on the 20th, and on the 2d of July President Davis made proclamation that Tennessee had become a member of it. In less than seven months the Union had been disrupted; eleven of the Slave States had seceded and formed a government that represented their peculiarity of civilisation, and guaranteed them the safe possession of their slaves. The secession, so often threatened, was an accomplished fact. We first hear of secession in Tennessee and Kentucky when some of their leaders were in correspondence and league with Governor Mero, of the Spanish Colony of Louisiana, for the transfer of those States to the crown of Spain, or to its protection as suzerainties; after that, during the whiskey insurrection of Pennsylvania (1795); next in Connecticut, where the *Hartford Courant* urged the impossibility of union, and that there was no safety for the Northern States but in secession from the Confederacy. It next cropped out in the Kentucky resolutions of 1798. Judge Tucker, of Virginia, in his edition of Blackstone, 1803, made the right of secession and the mere agency of the United States plain; in the same year the purchase of Louisiana aroused the New England States to a denunciation of it as "an infringement of their rights; how much more so of the political partnership." This was followed on the 14th of January on the passage of the enabling act for the admission of Louisiana, with the assertion of Quincy, of Massachusetts, that it was his deliberate opinion that "if this bill passes, the bonds of the Union are virtually dissolved." A project of secession was mooted in New England in 1803, which embraced New York and those States. Aaron Burr was in the scheme, but his defeat as a candidate for governor in 1804, which was put in the plan, broke it up. In 1809 Judge Story acknowledged a desire in New England, fostered by some ambitious men, to dissolve the Union. In 1812 this feeling almost reached unanimity, and the Hartford Convention paved the way for the secession of those States. Judge Rawle, of Pennsylvania, in 1825, in his commentaries on the constitution, admitted the right of secession, and that it "depends on the will of the people." In the South it first appeared in the attempt at nullification by South Carolina in 1830–32,[1]

[1] Replying to the assumption that nullification was secession, Mr. Calhoun explained in the great speech which he delivered in the debate on the Force bill: "There is, indeed, one view, and one only, of the contest, in which force could be employed; but that view, as between the parties, would supersede the constitution itself—that nullification is secession—and would, consequently, place the State, as to others, in the relation of a foreign State. . . . . Standing thus towards one another, force might, indeed, be employed against a State, but it must be a belligerent force, preceded by a declaration of war and carried on with all its formalities. Such would be the certain effect of secession; and, if nullification be secession, such, too, must be its effect, which presents the highly important question, Are they, in fact, the same? on the

next again in New England, John Quincy Adams, one of it chiefest representatives, declaring, March 3, 1843, that the annexation of Texas would fully justify a dissolution of the Union; this was followed by Garrison's urging at an anti-annexation convention in January, 1845, to declare the Union dissolved. Calhoun in 1847 had endeavored, but unsuccessfully, to secure the adoption of the following by the Southern States: 1. The calling of a Slave State Convention. 2. The exclusion of the sea-going vessels of the Northern States from the Southern ports. 3. The prohibition of railroad commerce with the Northeastern, but not with the Northwestern States. 4. The present maintenance of the freedom of trade on the Mississippi. 5. The continuance of this inter-State embargo system until the Northwest should be detached from the Eastern States and should unite with the South in offering the new territories to slavery. In 1850 a plan of co-operation was formulated by which a number of slave States were to secede in company, for mutual defence, if any prohibi-

decision of which depends the question whether nullification be a peaceable and constitutional remedy that may be exercised without terminating the Federal relations of the State or not. I am aware that there is considerable and respectable portion of our State, with a very large portion of the Union, constituting in fact a great majority who are of the opinion that they are the same, differing only in name, and who, under that impression, denounce it as the most dangerous of all doctrines; and yet, so far from being the same, they are, unless indeed I am greatly deceived, not only perfectly distinguishable, but totally dissimilar in their nature, their object and effect; and that, so far from deserving the denunciation, so properly belonging to the act with which it is confounded, it is, in truth, the highest and most precious of all the rights of the States, and essential to preserve that very Union, for the supposed effect of destroying which it is so bitterly anathematised. They are wholly dissimilar in their nature. Secession is a withdrawal from the Union, ... a throwing off the authority of the Union itself, a separation from partners, and as far as it depends on the member withdrawing, a dissolution of the partnership. It pre-supposes an association or a union of several States or individuals for a common object. . . . . Nullification, on the contrary, pre-supposes the relation of principal and agent; the one granting a power to be executed, the other, appointed by him with authority to execute it, and is simply a declaration on the part of the principal, made in due form, that an act of the agent transcending his powers is null and void. . . . . The difference in their object is no less striking than in their nature. The object of secession is to free the withdrawing member from the obligation of the association or union, etc. Its direct and immediate object, as it concerns the withdrawing member, is the dissolution of the association or union as far as it is concerned. On the contrary, the object of nullification is to confine the agent within the limits of his powers, by arresting his acts transcending them, not with the view of destroying the delegated or trust power, but to preserve it by compelling the agent to fulfill the object for which the agency or trust was created; and is applicable only to cases where the trust or delegated powers are transcended on the part of the agent. It remains now to show that their effect is as dissimilar as their nature or object. Nullification leaves the members of the association or union in the condition it found them—subject to all its burdens, and entitled to all its advantages, comprehending the member nullifying as well as the others—its object being not to destroy, but to preserve, as has been stated. . . . . Secession, on the contrary, destroys, as far as the withdrawing member is concerned, the association or union. . . . . Such are clearly the differences between them; differences so marked that, instead of being identical, as supposed, they form a contrast in all the aspects in which they can be regarded."

tion of slavery in the new territories should be enforced. But this was not successful. South Carolina, by her State convention in 1850, declared her right to secede, and Mississippi resolved that the election of a president of the United States by the votes of one section of the Union only, or on the ground of an irreconcilable conflict between the two sections would threaten a destruction of the ends for which the constitution was adopted, and would justify the slave States in taking counsel together for their separate protection and safety. But both forbore to exercise it out of deference to the wishes of other slaveholding States, which declined or failed to co-operate because the compromise of 1850 had proven satisfactory. They held to the resolutions of the Georgia State Convention of 1850 by which that State accepted the compromise. Tennessee, during each of the periods and crises named, was strongly and avowedly Union in sentiment. In 1850 A. O. P. Nicholson said: "South Carolina may pass her secession ordinance, but from that day she will have no more peace." And in 1851 the *Nashville American*, responding to a taunt of the *Nashville Whig*, that all secessionists were Democrats, said it did not know of a member of Congress from the State who believed in the constitutional right of a State to secede, even as an abstract question. In 1856 secession was threatened by the South if Fremont was elected, and when that event was almost assured Governor Wise, of Virginia, called a meeting of Southern governors at Raleigh, N. C., but only those of North and South Carolina responded. Tennessee did not take kindly to so dreadful an alternative. Governor Harris, in a message to the Legislature, dated February 28, 1860, transmitting the resolutions adopted by the Legislatures of South Carolina and Mississippi upon Federal relations, said he could not see the necessity or propriety of a convention of the slaveholding States, yet he considered them worthy of respectful consideration. The people of Tennessee he believed were loyal to the constitution, and that they would exhaust its written guarantees before going to any extreme which if forced upon them they would have recourse to the methods of their fathers in 1776.[1] He admitted the impending perils, but thought that wise, temperate and firm counsels might avert them. But they did not. During

[1] Governor Harris was convinced there could be no such thing as peaceful secession or separation. This was the view of the most eminent statesmen.

Calhoun, in his great speech of 1850, speaking to the North, said: "If you who represent the stronger portion cannot agree to settle the great questions at issue on the broad principle of justice and duty, say so, and let the States we both represent agree to separate or depart in peace. If you are unwilling we should part in peace tell us so, and we shall know what to do."

Webster answering Calhoun said: "Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Peaceable secession is an utter impossibility."

Governor Morris, in the convention of 1787, said: "This country must be united, if persuasion does not unite it, the sword will."

the political canvass of 1860 secession became an issue, and was injected in the presidential canvass. The Southern States declared, through their leading Democratic speakers, that the election of Lincoln on a sectional platform hostile to slavery, would be sufficient cause for secession. This threat was carried into effect, South Carolina leading in the movement December 20, 1860. South Carolina was followed by Mississippi, January 9, 1861; by Florida, January 10; Alabama, January 11; Georgia, January 17; Louisiana, January 23; Texas, February 1. These seven States formed the Provisional government of the Confederate States of America through delegates assembled at Montgomery, Ala. Arkansas followed her sister States May 6; North Carolina, May 20; Virginia, May 23, and Tennessee, June 8. Missouri seceded in part, but Kentucky and Maryland not at all. Delaware made no effort in the direction of secession, and remained loyal to the Union. She furnished no troops to the Confederacy as Kentucky, Missouri and Maryland did, but responded promptly and faithfully to all the calls of the United States government for troops until peace was declared.

XVII.

THE new government to which Tennessee had thus given its adhesion was organised on the 4th of February by a convention of the Cotton States, all of which had seceded by that time. It was a provisional government with a provisional constitution similar in all respects to that of the United States, and was to be continued for one year. As has already been stated, Jefferson Davis, of Mississippi, was elected president, and Alexander H. Stephens, of Georgia, vice-president. On the 16th Mr. Davis arrived at Montgomery, and was inaugurated on the 18th, and entered at once upon the duties of his office, the most pressing of which was the organisation of the several departments. In this he was assisted by a cabinet composed of men of very great experience in connection with Federal affairs: Robert Tombs, of Georgia, secretary of state; Charles G. Memminger, of South Carolina, secretary of the treasury; L. Pope Walker, of Alabama, secretary of war. Mr. Stephens was present at the opening of Congress and took the oath of office; having, previously, in a speech at Atlanta, explained that slavery was the corner stone of the new government. Preparations for the organisation of an army were at once set on foot, and bills were passed providing for the employment of such officers of the army and navy of the United States as should resign, and following their States tender their services to the Confederacy. Contracts for shot and shell, for powder, fixed ammunition, cannon of various calibres, small arms of all regulation bores and sizes, sabres and swords, gun carriages, wagons, mules and horses, accoutrements, harness, clothing, shoes, tents and camp equipage,

and all descriptions of supplies. A regular army to consist of 10,000 men—artillery, cavalry and infantry—was provided for, and as fast as officers from the Federal army made their appearance they were assigned to duty with relative rank and according to the date of their commissions in the old army. Provision was also made for the acceptance of all the troops organised by the seceded States, to the number of 100,000 volunteers, and their organisation into divisions and brigades under the command of Confederate officers. One of these, General Beauregard, who had been a major of engineers in the old army, as we have seen, was assigned to the command of the forces in Charleston, and the fortifications and troops in Charleston Harbor. The Confederate government now took charge of all questions pending between the seceded States and the United States as to forts, arsenals, custom-houses, mints, post-offices and other public property, and all such property was turned over to them. Early in March, a foreign policy having been agreed upon, commissioners were appointed and sent to France, Belgium, England and Russia, to ask and negotiate for recognition, and make treaties of good will and commerce with those countries. Commissioners were also sent to Washington with the same view, and to arrange upon an amicable basis for all the public property seized and appropriated to the uses of the new government. Revenue stations were established on all the railroads entering the Confederate States from foreign states, and regulations were adopted for the collection of revenue and a civil list was provided for. The failure of the commissioners at Washington, and the bombardment and capture of Fort Sumter, made necessary by the attempt by the Federal government to succor its garrison, were the initial steps to the civil war which was announced by President Lincoln when he proclaimed his unavoidable policy of coercion. President Davis, on the 17th of April, in answer to this, made proclamation of resistance, and urged all Confederate officers to vigilance. He protested solemnly, in the face of mankind, "that we desire peace at any sacrificc, save that of honor. . . . All we ask is to be let alone—that those who never held power over us should not now attempt our subjugation by arms. This we will, we must resist, to the direst extremity." By the 20th the Confederate government had in the field 35,000 of all branches of the military service. On the 29th Congress was convened at Montgomery, at which a message from the president was read, recommending instant and speedy preparations for a vigorous defensive warfare. The necessary legislation to this end followed, including acts of reprisal, among them one prohibiting the payment of debts to Northern creditors by Southern merchants, and authorising them to pay the same into the Confederate treasury, for which they were to receive bonds payable after the close of the war; and on the 20th of May Congress adjourned to meet in Richmond, Va., on the 20th of July. At this session an attempt was made to meet the financial difficulties which were greatly complicated by the blockade estab-

lished by the Federal government, and by the habits and customs of the people which were those of purely agricultural communities. A cotton loan was provided for, and a convention of cotton planters, held at Atlanta, agreed to take the loan and thus help the government, and they suggested the issue of treasury notes for general circulation and to be paid out by the government for all dues and demands and to be receivable for the same; an act was also passed banishing within forty days all persons who were not citizens of the Confederate States and declaring all citizens of the United States except those of Kentucky, Maryland, Delaware, Missouri, and the District of Columbia, to be alien enemies, and confiscating all their property of whatever kind to be found within the limits of the Confederate States. By this time, July, there were fully 100,000 men under arms, and the enthusiasm and ardor of the people seemed to be unquenchable. Four armies were being organised or had been—one in West Virginia under General Lee, another near Harper's Ferry under General Joseph E. Johnston, another under General Beauregard, near Manassas Junction, Va., and another in Tennessee under General Leonidas Polk, who, commissioned for that purpose by President Davis, had arrived in Memphis on the 13th of July, and announced himself commander of department number one, and the names of the members of his staff. He found Memphis a garrison town, defined the limits of his department, and announced the place of his headquarters. Although no formal call had been made by the governor for troops until the 11th of June, yet, as has been shown in previous chapters, the people had, following their own impulse of preparation, been organising military companies, and Governor Harris had sent General S. R. Anderson in April to mobilise the militia of the city and of West Tennessee. General Anderson remained at Memphis until the 3d of May, when he returned to Nashville, transferring his command to Brigadier General John L. T. Snead, who continued the work he had begun. A similar duty was performed by General Cheatham, General Zollicoffer and General Foster in other parts of the State. These officers were vigilant and earnest, and besides organising troops established depots of supplies wherever it was possible. General Polk found Memphis and the State in a condition of bustle and some confusion. Ever since April the time and attention of the whole population of the State had been given to preparation for war, and there had been established mainly by the help and assistance of the women, Bureaus of Military Supplies at Memphis, Nashville, Columbia, and Jackson, where clothing, provisions, blankets, hospital supplies, and contributions of money were received. There were also established lead mining and saltpetre companies, paper mills, arms manufactories, and powder mills. Nashville and Memphis were the leading centers of this unparalleled activity, which pushed everything else aside. In both cities armorers were busily employed changing thousands of squirrel guns, double-barreled shot guns, bear guns, pistols, and flint lock muskets, which were being collected by the several county clerks

under orders from the governor, to percussion muskets or rifles, and hundreds were employed in making bayonets and swords and scabbards, and gun sights and spurs, and all sorts of accoutrements. Still the demand was greater than the supply. This work was much embarrassed and retarded by the enforced emigration of thousands of mechanics, who fled from the State so soon as it was made apparent that civil war was to be the result of the heated political canvass of 1860. A majority of the mechanics employed in the existing workshops, foundries, and factories at the outset of the difficulties were northern men and were most of them on the side of the Union. By hundreds and thousands they vacated their situations and returned to their homes—many of them to return again as soldiers in Federal regiments that were to become famous for their skill and celerity in repairing and building bridges and reconstructing railroads. The exodus of this industrial class increased the difficulties of the South and devolved upon a comparatively few skillful mechanics these changes in arms and all the needs and necessities of the ordnance and quartermaster's departments. They trained thousands of women and men in the mysteries of their craft, and in many instances invented the machinery that was needed in their shops. Factories for fixed ammunition, gun caps, saddlery and artillery and wagon harness, tents and clothing were established on a large scale and the whole population rose to an equality with the emergency. It was soon found that there had been lying dormant a mechanical skill and inventive genius equal to any demand, however pressing, so long as the raw material could be had. Merchants, planters, doctors and lawyers found themselves possessed of forces hitherto latent, which were speedily turned to account, and the result was not only the formation of depots of supply, but the partial equipment of the hurriedly improvised army which a suddenly precipitated revolution had called forth. Two foundries in Memphis, and one each in Murfreesboro, Lebanon, Pulaski, Shelbyville, Franklin, Clarksville, Nashville and other points were casting cannon and more than 1,800,000 percussion caps were being manufactured weekly in the State and an inexhaustible supply of powder and balls. Many regiments and companies were encamped and drilling, and several forts had been constructed and occupied, and were being maintained on the Mississippi River above Memphis, at the expense of the people of that city; others having been projected on the Cumberland and Tennessee Rivers by the State. The people of Memphis were from the first wide awake to the importance of the city as a strategic point, and they manifested an eager desire as far back as the day of Lincoln's proclamation to put it in a condition of strong defence. The women were especially urgent. They had established soldiers' aid societies and were through them maintaining hospitals at the camps and in the cities, the Southern mothers of Memphis being most conspicuous for good works. General Polk in his first general order described the limits of his department as extending from the mouth of the Arkansas, on both sides of the Mississippi, to the

northern limit of Confederate authority, and east as far as the line of the Mobile and Ohio Railroad. He found the people of that portion of his department east of the Mississippi already offering for service in numbers not only greater than could be armed and equipped, but in some cases double and even quadruple the number called for. Memphis had become a great military center. Forts Pillow and Randolph were well manned and everywhere there was the utmost activity and patriotic zeal manifested. Entering upon his duties at once General Polk through his staff began the work of mustering the troops into the service of the Confederate government and sent into camps near Fort Pillow, or in the vicinity of the city, Governor Harris having prepared the way for that work by a proclamation ordering company and regimental officers to muster their commands for inspection and transfer by Confederate officers to whom they were to furnish revised rolls on the men being sworn in after inspection. By the 7th of August this duty was performed and the governor found it necessary to call out 30,000 additional men to be known as the "Reserved Corps of Tennessee." Meanwhile, and on the 21st of May, the battle of Bull Run had been fought and the Federals were defeated and routed with great loss of men and munitions, Generals Beauregard and Johnston receiving the thanks of Congress and the congratulations of the people for a decided victory. By correspondence President Davis succeeded in having privateersmen recognised by the Federal government and put upon a footing when captured as prisoners of war. In October the Confederate postal department was thoroughly organised, its regulations and rates were published, and the postal stamps were issued, but the currency was being depreciated by the refusal of the banks to receive Confederate treasury notes, which with the notes of the suspended banks were subject to a discount of from eight to fifteen per cent., and the wants of the army increasing in numbers were making demands that could not be responded to. On the 1st of August the people of the State voted on and adopted the permanent constitution of the Confederate States. Governor Harris[1] was re-elected defeating his Union competitor W. H. Polk, of Columbia, by 30,000 majority. Members were elected to the Confederate Congress and members to the Legislature who were in full sympathy with the Confederate States. On the 7th of September General Polk occupied Columbus, Ky., in spite of the protest of Governor Magoffin with an army mustering nearly 22,000 effective and available men, well uniformed, and most of them armed and equipped, the nucleus of what was afterwards to be known as "the army of the Mississippi," and later "the army of Tennessee." General Pillow was put in command of the column in the field and General McCowan and General B. F. Cheatham commanded the two divisions, General Polk retaining command of the department. The latter though a graduate of West Point had long been removed from the army and army ways. He was commis-

[1] For biography see second volume.

sioned a lieutenant of the Third Artillery after graduating and served for three years when he resigned and began to study for the ministry of the Protestant Episcopal Church and after a few years became bishop of that church in the State of Louisiana. He was fulfilling that sacred trust when the war broke out and at the instance of President Davis and with the consent of the presiding bishop (Meade, of Virginia), of his church in the Confederate States of America, accepted a commission as major-general and was immediately assigned to the command of the most important of the military divisions of the country, after that of Northern Virginia. Dignified, firm and resolute, and with a heart wholly given to the cause to which he consecrated his life, General Polk grew to his duties and gradually assumed the insigna and uniform of his rank. But while giving the best proofs of his ability and patriotism he was made the subject of severe and unmerited criticism by the press voicing the impatience of a public who could not understand why the army did not move upon the enemy. Sensitive of this, and distrustful of himself, he had, before leaving Memphis, applied to the president to have General Albert Sidney Johnston assigned to the command of the department. This was done on the 13th of September when that general announced the limits of his department (number two), to embrace the States of Tennessee and Arkansas, and that part of the State of Mississippi west of the New Orleans, Jackson and Great Northern Railroad, and the military operations in the States of Kentucky, Missouri, Kansas, and the Indian Territory. He thus superseded Polk in the command in chief. On the 18th General Johnston after advising with General Zollicoffer and approving of his contemplated advance into Kentucky from Cumberland Gap, ordered General Buckner, who with some Kentuckians had just joined the Confederate army, to move forward and occupy Bowling Green, with about 4,000 men, and then went over to Columbus for consultation with General Polk. On the 26th of September General Johnston announced his personal staff, and began at once concerting measures to meet the Federal forces then confronting him on a line extending from Southwestern Missouri to the mountains that separate Tennessee from Virginia. The first battles fought in this department were those of Wilson's Creek and Carthage, Missouri, in both of which the Confederates were successful. The next was fought at Belmont, in the same State, opposite Columbus, Ky., on the west bank of the Mississippi River, on the 7th of November, in which the Confederates under Generals Pillow and Cheatham —the latter also a Mexican war veteran greatly beloved by his troops for his fine soldiery qualities, and a conspicuously daring courage—were successful in driving the Federal forces under General Grant back in confusion, in helter skelter, pell mell fashion to their boats, on which they made a hasty retreat to Cairo. General Polk was on the field during the day, and stimulated the men greatly by his presence, his coolness under fire, and the discretion with which he made his dispositions. The news of this victory was the occasion of a gen-

eral rejoicing in Memphis that was not without its modifications of pain and anxiety. Most of the regiments engaged had been recruited in the city and vicinity, and the first flush of excitement was quickly succeeded by inquiries as to the dead and wounded. A correspondent of the *Appeal* telegraphed that the scene on the battle field was "a sad spectacle enough by moonlight," but how much worse it would be by daylight he could not tell. The losses were accounted heavy, and the spectacle of wholesale carnage, made livid by the upturned faces of the dead, lying as they fell in attitudes bespeaking the vigor of action, and intensity and eagerness in the encounter of danger for home and fireside was well calculated to strike the correspondent with awe. "Our forces," he wrote,[1] "actively engaged at first consisted of the Thirteenth Tennessee Volunteers, commanded by Colonel John V. Wright; the Twenty-second, commanded by Colonel Thomas J. Freeman; the Second by Colonel J. Knox Walker; the Twenty-first by Colonel Pickett, and Colonel Tappan's Thirteenth Arkansas Regiment. These four regiments, making in all about 2,500 effective men, bore up most gallantly against three to one for more than two hours. General Pillow had chief command, and deserves all praise for doing some of the most desperate fighting ever done on this Continent. General Cheatham, however, when our men had been beaten back with the loss of one battery (Captain Watson's), carried over Colonel Russell's Ninth Tennessee Regiment, Colonel Mark's Eleventh Louisiana, and Colonel Smith's One Hundred and Fifty-fourth Tennessee, re-took the battery, and carried death and destruction among them everywhere. The Fourth commanded by Lieutenant-Colonel O. P. Strahl, was also ordered over, but was held in reserve and did not actively engage in the fight. This was owing to a simultaneous attack made on the batteries by the gun-boats, as well as the apprehension that a land force was moving on us from the Kentucky side. A portion of this regiment, however, was detailed to bring in the wounded of the Lincolnites, who were left on the field. A great number were thus taken up and cared for, and the men are just now returning to their encampment. The defeat of the enemy was overwhelming and disastrous, leaving the field strewn with their dead and wounded, to say nothing of the overcoats, knapsacks, guns, etc., they threw aside the better to facilitate their inglorious flight. We pursued them about seven miles

[1] The first telegraphic account of the battle to the *Appeal* states that "Colonel Tappan's Arkansas Regiment, with Watson's Louisiana Battery, had been encamped just opposite Columbus for some days, and were under orders to march on the day of the battle. Early in the morning, the enemy, 7,500 strong, landed seven miles above on the Missouri shore, and moving down opened a vigorous fire on this regiment. General Pillow's brigade, some 2,500 strong, composed of Wright's, Pickett's and Walker's Tennessee Regiments, were immediately ordered over to their relief. They fought gallantly against superior numbers until their ammunition was exhausted. They were overwhelmed and driven back with great loss—to the very verge of the river, where they again made a stand, fighting with their bayonets. At this critical juncture General Cheatham's Brigade was sent over, and, with the assistance of Blythe's Battalion carried the fortunes of the day."

to their boats, where we captured large quantities of ammunition, etc. The gallant One Hundred and Fifty-fourth Regiment charged up to within fifty yards of the boats on which they embarked, under the most terrific cannonade from their gunboats, which fortunately overshot our men, doing them no damage whatever, with the exception of Colonel Smith having his horse shot from under him. The enemy's force amounted to full 7,000, and was commanded by General McClernand in person,[1] assisted by General Bowling, who is amongst the prisoners. General Bowling was captured by Rev. James Rogers, of Somerville, who at the same time captured a stand of colors." The official reports stated the Confederate losses to be as follows:

	KILLED.	WOUNDED.	MISSING.	TOTAL.
Thirteenth Tennessee	28	75	46	149
Second Tennessee	18	63	33	114
Twenty-first Tennessee	13	62	5	80
Twenty-seco d Tennessee	10	67	9	86
One Hundred and Fifty-fourth Tennessee	—	13	—	13
Eleventh Louisiana	13	43	—	56
Thirteenth Arkansas	11	45	23	79
Watson's Battery	2	4	1	7
Mississippi Battalion	—	1	—	1
Total	95	373	117	585

General Polk in his dispatch sent to President Davis immediately after the close of the contest, said: "The enemy came down on the opposite side of the River to Belmont to-day, about 7,500 strong, landed under cover of gunboats, and attacked Colonel Tappan's Camp. I sent over three regiments under General Pillow to its relief, then at intervals three others, then General Cheatham. I then took over two others in person to support a flank movement, which I had directed. It was a hard fought battle, lasting from 10:30 A. M., to 5 P. M. They took Beltzhoover's battery, four pieces of which we recaptured. The enemy were thoroughly routed. We pursued them to their boats seven miles, then drove their boats before us. The road was strewn with their dead and wounded, guns, ammunition and equipments. Our loss considerable; theirs heavy." Subsequently in a general order issued on the 13th, in which he congratulated the officers and men of his command upon the glorious victory achieved he said: "The battle began under disadvantageous circumstances that would have been discouraging to most veteran troops, yet the obstinate resistance offered by a handful of men to an overwheming force must long be a lesson to them, and the closing scenes of the day in which a routed enemy was vigorously pursued and attacked to their gunboats, will ever be remembered in connection with that spirit of our people which has proclaimed in triumphant tones upon every battle-field, 'We can and we will be free!'" General Grant in a correspondence with General Polk, conducted through Colonel Webster, who was the

[1] This is a mistake, General Grant commanded in person,

bearer of a flag of truce, opened his first letter with the admission that "in the skirmish of yesterday, in which both parties behaved with so much gallantry," many wounded men were left upon the field whom he desired to have provided with medical skill and attention. To this General Polk responded that "The lateness of the hour at which my troops returned to the principal scene of the action prevented my bestowing the care upon your wounded which I desired. Such attentions as were practicable were shown them, and measures were taken at an early hour this morning to have them brought into my hospitals. Provisions were also made for taking care of your dead. The permission you desire under your flag of truce is granted with pleasure, under such restrictions as the exigencies of our service may require." General Polk also suggested an exchange of prisoners, which was subsequently carried out under an authorisation from the secretary of war. President Davis's congratulations were promptly published in general orders. He thanked the general and his officers and men "for the glorious contribution you have just made to our common cause. Our countrymen must long remember gratefully to read the activity and skill, courage and devotion of the army at Belmont." The patriotic women and what few men were left in the city, upon the first tidings of conflict made preparations for the succor and care of the wounded and boats were at once sent up the river to bring them down to the hospital of the Southern Mothers and another presided over by the Sisters of St. Agnes Academy, and there they were shortly housed and made the subjects of every care and attention that skill and anxious patriotism could suggest. Prayer and thanksgivings were offered in the churches, and the president proclaimed the 15th a day of fasting, humiliation and prayer. On the 16th Generals Polk and Grant had an interview in the middle of the Mississippi River accompanied, the former on the steamer *Prince*, by Generals McCowan and Cheatham, and the latter in the steamer *Alec Scott*, by Colonel Logan, Major Hatch and other officers, at which an agreement was made for a general exchange, and the observance by both sides of the rights of belligerents. The effect of this victory, followed as it was by the absorption of all Tennessee's troops by the Confederate Army posted at various points across the State, was a call by Governor Harris for 30,000 militia for immediate service, making 85,000 in all, 10,000 more than President Lincoln's first call on all the States, made just five months before. This created a sensation of imminent peril and was the subject of grave discussion by the people and the press. By the end of November there was heavy skirmishing all along the long line from Fort Donelson on the Cumberland River, via Bowling Green to Fishing Creek, in East Tennessee, guarded by a thin line of not more than 25,000 men, one-third of them without arms. This was the military condition at the close of the year, the State as well as Confederate authorities realising the threatening attitude of the Federal army growing in strength and efficiency while they were unable to secure all the men they needed and could not arm

one-third of those who responded. Recurring to the civil affairs of the Confederacy, there was an election held on the 6th of November for president and vice-president, which, there being no opposition, resulted in the election of Davis and Stephens, who were to enter upon their duties in February of 1862, when the provisional government would expire by limitation. In the same month Messrs. Mason and Slidell, commissioners to England, were taken prisoners from the British steamer *Trent*. This lead to diplomatic complications on the part of the Federal government with that of Great Britain, but Secretary Seward apologised in time to prevent a difficulty, having in the meantime accomplished the delay of the Confederate commissioners and ultimately its defeat after a diplomatic contest in which many of the strongest men of the northern States and of England participated.

We turn now to the events occurring in the city during 1861, in connection with its civil administration or affecting its citizens individually. On the 13th of March Judge Dixon decided in the case of the city of Memphis vs. Sam Tate and others the Memphis and Charleston Railroad Company, that the sale of the city's stock to the latter was legal, and that the city could not recover the stock; on the 23d the Chancery Court in the case of the Winchester heirs decided in their favor, settling forever the title to all real estate in the city of Memphis so far as the original proprietors and heirs are concerned, including all the five thousand acre Rice grant and all the five thousand acre Ramsey grant. On the 7th of May, Rolfe Saunders explained in a card relative to the postoffice that he would act as the committee of safety suggested as to accepting the position of postmaster under the Lincoln government, and said that "the honor attached to the position was not such as to make me ambitious of holding it. I was willing to do so for the benefit and commerce of the community and without one cent of pecuniary profit." Mr. Saunders did not become postmaster. On the 31st the death of the Hon. Charles Scott was announced, and in the several courts of the city he was properly and becomingly eulogised as a good citizen, a great lawyer and a high Freemason of unblemished integrity and honor. On the 6th of June, at a meeting of the board of mayor and alderman, Alderman Pickett objected to various items in an account in which the city was charged for whips, gold pens, silver pencil cases, pocket knives; and on a discussion as to the chain gang Alderman Hughes stated that it cost more than the work was worth, and that it would be cheaper to employ men at one dollar a day to clean the streets. A resolution of Alderman Robertson to send the gang to Randolph to work on the fortifications without expense to the city for superintendence or otherwise was lost. The board was as shiftless as ever and could not see its way to correct methods of business. On the 3d of June the council ordered the removal of some of the absurdly conceived and constructed fortifications erected on the streets leading to the river and a battery located in the vicinity of the

jail, because it was argued they would invite and not repel attack. On the 12th announcement was made of the Southern Express Company, chartered by the State of Georgia, H. B. Plant, president, superseding the Adams Express Company, Hamilton Borden, agent; the Baugh City Guards were organised for home protection; the trial of the Webbs for intent to kill Mynatt was postponed to next term; and the vote of the city for separation was announced to be 5,608 against 5 and for representation 5,604 against 5, not a vote being cast against, outside the city, the total vote of the county being 7,137. On the 13th the board of mayor and aldermen failed to meet the first draft of $1,000 of the $75,000 voted for the defences of the city, much to the embarrassment of Captain W. D. Pickett and his company of sappers and miners, who needed that amount to pay for the company's clothing, then held by the express company C. O. D. On the 14th the State opened a hospital for army patients, Dr. Keller, surgeon in charge, the Sisters of St. Agnes Academy, nurses. On the 15th the Presbytery of Memphis passed an ordinance of secession from the general assembly of the Presbyterian Church of the United States. On the 18th Mrs D. McComb presented a banner to the Fayette Rifle Greys, Captain Barton, *en route* to Randolph, and Colonel J. H. McMahon, withdrew from the *Bulletin*, which he had founded, and entered the army as assistant quartermaster-general. On the 19th the board of mayor and aldermen paid the promised $1,000 to the sappers and miners, but declined to pay $262 for sixty-four tent pikes made by order of the mayor at the request of the military board. On the 26th, being Fast Day, the congregation of the Second Presbyterian Church subscribed $250 to the Confederate treasury. On the 3d of July John Park was sworn in mayor, and on the 6th the city council struck the school tax from the levy, but agreed that the schools should be continued during the coming year at a reduction of $12,000, under the management of Dr. Merrill, who was elected superintendent. On the 20th, 21st, 22d and 23d the particulars of the great victory of the Confederate army at Manassas was the occasion of public rejoicing and congratulation. On the 26th the citizens of Horn Lake, Miss., protested against the continued employment of R. Hough, a Northern man, as superintendent of the Mississippi and Tennessee Railroad, and on the 31st Bishop Otey published a pastoral inviting the people of his communion to a special Thanksgiving service on Sunday, the 28th, for the great victory of the 21st, and recommending that in future in the prayer for the president and that for Congress the words "United States" be omitted and the words "Confederate States" be substituted. The bishop did this in deference to the public sentiment of the State, for, as he said, he "had no authority to order or direct the change." Some days later the bishop announced the secession of the Diocese from the Protestant Episcopal Church in the United States of America, and its union with the church of the Confederate States of America. On the 3d of August the vote in the city for the permanent constitution was

announced to be only 738 for and none against, and for Isham G. Harris for governor only 731. Nearly the whole voting population having gone to the front, business was almost suspended, what there was, was in connection with the various departments of the public service. On the 15th Comptroller Lofland reported for the first time in the history of the city an excess of receipts over appropriations, and on the 16th the newspapers announced that coffee "was running low," the whole stock in New Orleans being only 1,600 sacks. On the 24th two gunboats were ordered built for the defence of Memphis by the Confederate Congress, which made an appropriotion of $125,000 for that purpose. On the 28th the board of mayor and aldermen reduced the assessments on city property by fifteen per cent., and the mayor was ordered to distribute fifty dollars per week among the poor. On the 1st of September Mr. John S Toof, secretary of the Chamber of Commerce, published the first annual report of the trade and commerce of the city, from which it appeared that the total value of all the leading articles sold during the year was $38,787,687 (of which 369,633 bales of cotton were valued at $18,481,650), added to which there was $3,000,000 worth of manufactured articles, and $9,700,000 worth of retail trade, making a grand total of $51,750,000. On the 10th the citizens of the third ward formed a soldiers' aid society, and on the 12th the Southern Mothers opened their hospital in the Irving Block. On the 17th the death of the Hon. R. G. Payne was announced, and also that of Captain James Hamilton, commanding the Southern Guards at Columbus, Ky. On the 18th and the 22d the ladies gave successful concerts and entertainments for the benefit of the Home and for the widows and orphans, and the Hebrew ladies formed an aid association at which generous donations were made for the benefit of the soldiers' hospitals. On the 25th the board of mayor and aldermen discussed some proposed amendments to the city charter, and the extension of the boundary of the city, the issue of small paper currency, to which the press made some serious objections, and changed the name of Boundary avenue to Manassas street, to commemorate the first great victory of the Confederate army over the Federal. On the 2d of October, City Comptroller Lofland made a report as to the condition of the city finances, from which it appeared that there was an outstanding indebtedness unprovided for of $307,000, which it was desirable to convert into city warrants of denominations varying from ten dollars to one hundred dollars, and the comptroller recommended such a disposition of it, though he doubted whether the banks would take such notes, even though they should bear upon their face an obligation that the city should receive them in payment of taxes and licenses. The council received this report, but took no other action upon it. The money problem was beginning to be a serious one. The amount of gold in the banks of the South when war was declared, though adequate to the needs of the growing commerce of the people, was a very small item in the volume of currency which had sud-

denly been increased beyond all precedent to meet the pressing necessities of the Confederate government. The banks, in preparation for contingencies they could not foresee, had put themselves in an almost condition of liquidation, and were working continually upon the most conservative basis possible. Already they had been subject to the State's mandatory interference for military purposes, and to the credit and debtor laws of the State and the Confederate States, confusing the simplest rules of trade, and forcing men to expedients to save themselves from complications and law-suits and responsibilities when the war had ended. Besides these untoward circumstances, some of the States and municipalities, railroad companies and private corporations, were adding to the confusion and were issuing small change notes—"shin-plasters," as they were termed. The merchants of Memphis, prudent and far-seeing, objected to this currency, and at a meeting of the Chamber of Commerce, held on the 9th, passed resolutions opposed to the issuance of this irresponsible currency at home, and entirely disapproving of the circulation of it from Virginia or elsewhere. But in order to meet the demand for small currency they suggested to the Legislature that the banks be permitted to cut bills of denominations of five dollars and under in two and receive the same on deposit. This was almost unanimously rejected by that body. But a bill was passed relieving the free banks from any farther call for bonds of the State and continuing the suspension of specie payments during the war and for one year after, and the law of February, 1860, was suspended, except the clause which permitted the banks to issue two dollars of circulation for one of capital. It was also provided "that each bank in the State shall make quarterly statements, under oath of the president and cashier, to the comptroller of the State, showing their condition. This statement shall show, under separate heads, the amount of coin, the sum due from banks in this State, the amount due from banks out of the State, and the entire amount of its bills, notes, and other assets. It shall also show the entire extent of its liabilities, including circulation, deposits, amounts due other banks in the State and out of the State, which statement the comptroller shall cause to be published in a daily newspaper." The Legislature was evidently careful that the credit and good name of the State should be maintained; and this was in accord with the declared purpose of the people, which moved the *Appeal* to say that "Memphis, owing to the wisdom of her citizens in refusing to give public sanction to 'shin-plasters,' has suffered much less than many other cities from the abominable nuisance. Still she had enough of them." But these were likely to be forced out of circulation by the change notes of the Bank of Tennessee for five, ten, twenty-five and fifty cents, given out by the banks for the first time on the last day of the year, when the people were discussing with indignant comments the Trent affair and the necessity for postponing the proposed Commercial Convention, which was to have been held on the 16th and 17th of February. There was no time for conventions of any

kind. Even the Legislature devoted itself mainly to providing against the emergencies of war. Great armies were gathering, and skirmishes and affairs between those in the field were of every day occurrence, business was consequently limited to food and army supplies. All the energies, powers and purposes of the people were turned in the channels of war.

XVIII.

BY January of 1862 Memphis had become a changed place. Compared with the activity of 1860 or even that of 1861, devoted to military preparation, her streets were very dull. The cotton business, the basis of all her trade, was almost dead. As it went so everything else went. Sugar and molasses had become her staples, and tobacco was in much request. The problem of grocery supplies had become a serious one, and what remained to her of mercantile enterprise had been turned in the direction of its solution. Regiments and companies for all branches of the service had been equipped and sent to the field. Nearly the whole voting population had gone to the front, and the women were either making clothing or tents, preparing supplies, or were nursing in the hospitals. The war, fairly launched, was the principal topic of conversation and discussion, and the movements and organisation of troops, of fleets, the policies of the rival governments, and the probable and possible results of skirmishes and battles that were imminent, formed the burden of the news and comments of the newspapers. The public schools were kept open, but the functions of the board of mayor and aldermen and of nearly all civil officers had been almost suspended. The whole population had risen with singular unanimity to an equality with the extraordinary crisis, and were exhibiting a courage and devotion that has few parallels in history. Women as well as men were full of enthusiasm and self-denying zeal, and journalists and poets gave expression every day, if not always with beauty and symmetry of diction, with a strength that was as much admired, to the passionate resolution and determined purpose of the people for liberty and State independence. The long pent up sectional feeling was now flowing with a free, full tide, and with the irresistible strength of absolute homogeneity and unanimity. Everybody was for the Confederacy, and everybody was hopeful and sanguine and cheerful as to the final result. So far the force of events had been with the South. The people were therefore undismayed by the preparations for their subjugation that were being made by the Federal government, at the opening of the year, on a gigantic scale. In the East the Confederates were confronted by an army of 200,000 men under McClellan; Rosecrans had 25,000 in West Virginia; Buell was organising an army of 100,000 men in and near Louisville, and General Halleck was increasing the number of troops he had in the field in Missouri, confronting the heroic Confederates of that State. At St.

Louis, iron-clad gunboats for river service and of light draught were being hastily constructed to aid in the development of the apparent purpose of the Lincoln administration to re-possess the Border States, hold them in the Union and make them the basis of operations against the Cotton States. On the Confederate side, preparations had also been pushed with extraordinary vigor. Defending the line agreed upon for the protection of Richmond, from Yorktown to Martensburg, there was a force of about 150,000 men under the command of General Joseph E. Johnston; there was a small force confronting Rosecrans in West Virginia, and in Kentucky and Tennessee about 50,000 men under command of General Albert Sidney Johnston. There were also some troops at Vicksburg, Natchez, New Orleans, Mobile, Pensacola, Savannah, Charleston, Wilmington, and other points on the coast, in preparation for a possible descent of armed forces from the blockading fleets now well established in that duty. The Confederate forces in Arkansas and Missouri were scarcely adequate to the defence of those States against an active and persistent enemy, and General Albert Sidney Johnston found himself sorely beset in Kentucky, by the well equipped troops of the enemy along a long line that embraced every impediment as well as advantage of topographical surface. On the 9th of January operations were inaugurated by an affair at Prestonburg, southeastern Kentucky, between a small Confederate force under General Humphrey Marshall, and a Federal force of about the same number under Colonel James A. Garfield,[1] and in which the latter was successful. On the 18th of the same month General Thomas under orders from General Buell, attacked the Confederates under General George B. Crittenden, at Mills Springs, and defeated them. General Zollicoffer, who was among the killed, had been a conspicuous Whig leader in the State, but was without military training, and had but little experience, yet he handled his troops with skill and ability, and distinguished himself on the fatal occasion by almost unexampled coolness. These defeats, so inopportune in view of the want of arms and munitions, were the beginning of a series of disasters that were due, not to want of good generalship or bravery in the soldiers, but to the superior armament and strength of the Federal armies directed, as in this case, by a very skillful soldier. About this time General Pillow resigned his command at Columbus, much to the regret of his troops, and was assigned to command at Fort Donelson, on the Cumberland River, which, with Fort Henry, on the Tennessee, covered the most available entrances to the State. On the 6th of February this last mentioned stronghold was invested by an overwhelming force of Federals under the command of General Grant, aided by a fleet of seven ironclad gunboats, under Commodore Foote, and after a few hours hard fighting was surrendered by General Loyd Tilghman. Only eighty prisoners were taken, most of the force having made its

[1] Elected president of the United States in 1880, and assassinated July, 1881.

escape to Fort Donelson, where General Grant made his appearance on the 12th. On the 14th Bowling Green was evacuated by General Hardee, acting under orders from General Albert Sidney Johnston, on the approach of Buell's army from Louisville, and on the 16th, after three days of hard fighting, Fort Donelson capitulated, not more than two thousand of the troops present making their escape, among them being Forrest's, already famous, regiment of cavalry. General Buckner made the surrender, Generals Pillow and Floyd, each in turn, and as named, turning over the command, the last to Grant. This was the first serious engagement in Tennessee, and the loss of so many troops, by many intelligent officers considered unnecessary, had a very depressing effect upon the country. Forts Henry and Donelson were the gateways of the State, and their capture was contested with a stubbornness and a gallantry that were subsequently lost sight of in the excitement of hurrying events. Without rest or food, harassed by night and day by the ever-vigilant and greatly superior Federals, so that they could not even light fires to cook rations, the young Tennesseans, fresh from the comforts of home, fought through the awful storm of shot and shell, often for hours up to their waists in snow, slush, and freezing water and mud. It has seldom happened in the war history of the world that raw levies have been called upon to endure such hardships or have been subjected to such tests, not only of physical but moral courage. Veterans could not have done better. Their defeat, the first great disaster of the war to the Confederate arms, was mourned throughout the State, the people of which hung with dread suspense for so many weary hours upon the result of the unequal contest. But they earned an immortal renown, and passed into history among the staunchest defenders of the State. The loss of these outposts compelled all the other Confederate forces to fall back to Murfreesboro, and thence *via* Decatur, Ala., to Corinth, Miss., to which place, also, by advice of General Beauregard, who had been ordered to the West to assist General Johnston, the garrison of Columbus followed on the 2d of March, the Confederate line of defence having been re-established from New Madrid and Island No. 10, in the Mississippi *via* Humboldt, Tenn., to Corinth, and so along the line of the Memphis and Charleston Railroad to East Tennessee. Nashville was evacuated, and the State government with its archives were removed to Memphis, and occupied a building on the northeast corner of Madison and Second streets that had been prepared for the use of the city government, and was then occupied by the city officers. So soon as the Legislature met, Senator Harris justified his course in convening it in Memphis, in a message in which he said he deemed it his duty to do so, and remove the records of the government for the following reasons: 1. "The disaster to our arms at Fishing Creek (Mill Spring or Webb's cross-roads), had turned the right flank of our army, and left the country from Cumberland Gap to Nashville exposed to the advance of the Union army. 2. The fall of Fort Henry

had given the enemy the free navigation of the Tennessee River, through which channel he had reached the southern boundary of Tennessee, and the fall of Fort Donelson left the Cumberland River open to his gunboats and transports, enabling him to penetrate the heart of the State and reach its capital at any time within a few hours, when he should see proper to move upon it." The governor then enumerated the measures previously taken by him in support of the Confederate armies, and reminding the Legislature that there was not a single armed company in the State subject to his orders, recommended an amendment of the militia system that would divide it into artillery, cavalry and infantry, and also the passage of a bill that would authorise the arming and equipping of a provisional army of volunteers, and to appropriate money for that purpose. All these recommendations were enacted, and Governor Harris took the field in person, having issued a proclamation calling upon the people to arm themselves, and in a general order to the militia appointed places of rendezvous and designating their commanders. In the meantime, most of the State being now in the hands of the Federals, President Lincoln nominated Andrew Johnson for military governor of it with the rank of brigadier-general of volunteers. He was at once confirmed by the Senate, and on the 12th of March, accompanied by Emerson Etheridge, clerk of the House of Representatives, and Horace Maynard, an East Tennessee member of the Federal Congress, on the 13th entered the State and published an "appeal to the people of Tennessee." This had no immediate effect, though it was reported at the time that there were thousands in and out of the Confederate army anxious to be reconciled to the Federal government. During the month of March, as a result of the extraordinary efforts of General Albert Sidney Johnston, seconded by General Beauregard, the army of Mississippi, made up of all the troops in his department east of the Mississippi River, after four weeks devoted to consolidation, reorganisation and drill,[1] moved out to Shiloh Church, near the Tennessee River, to oppose the advance of General Charles F. Smith, who, with the army that had operated so successfully at Forts Donelson and Henry, under General Grant,[2] much re-enforced and strengthened, had landed there with a purpose to invade the State of Mississippi and march to the Gulf of Mex-

[1] General Bragg, who joined General Johnston at Corinth, with his admirably drilled and disciplined division from Pensacola, Fla., describes this army, hastily organised in four weeks for a campaign against Buell and Grant, as a "heterogeneous mass, in which there was more enthusiasm than discipline, more capacity than knowledge, and more valor than instruction. Rifles, rifled and smooth-bore muskets—some of them originally percussion; others hastily altered from flint locks by Yankee contractors; many with the old flint and steel—and shotguns of all sizes and patterns, held place in the same regiments. The task of organising such a command in four weeks and supplying it, especially with ammunition suitable for action, was simply appalling. It was undertaken, however, by General Johnston, with a cool, quiet, self-control, calling to his aid the best knowledge and talent at his command, which not only inspired confidence, but soon yielded the natural fruits of system, order and discipline."

[2] Grant had very unjustly been superseded by Smith, by order of General Halleck.

ico. On the 6th and 7th of April a great battle was fought near this Church, in which the losses on both sides were very great, those of the Federals under Grant, who had again assumed command, preponderating. On the first day the Confederates were successful. They achieved an overwhelming victory. They surprised the enemy; his annihilation or capture being only prevented by the untimely death, late in the afternoon, of General Johnston, one of the foremost soldiers of America, a man whose modesty was in keeping with his unflinching courage, his purity of character, his coolness, prudence, discretion, self-control and self-abnegation, qualities which endeared him to all who were brought within his influence. No other general of the Confederate armies, except Polk, suffered so much at the hands of the press and the politicians, who assumed to speak for the people. Without any experience or the least knowledge they, for months, berated him for reverses that were due to want of men and munitions. They constantly magnified the numbers of his army, sometimes twenty-fold the real figures and the character and amount of his supplies, and upon this exaggeration built theories and misstatements that were accepted by a too eager public in the absence of any contradiction or explanation from the discreet and superbly patient general, whose lips, as a duty to that public, were sealed. No grander character than Albert Sidney Johnston's had been developed by a war whose heroes are numbered by thousands. He had been a conspicuous soldier in the Texas revolution and of the Mexican War, and commanded the Federal expedition to Utah, and at the breaking out of the war commanded the Federal department of the Pacific with the rank of brigadier-general. He was a man of noble presence, reticent in manner but affable in intercourse. He was a thinker as well as an actor; was characterised by determination and tenacity, and possessed all the inherent qualities of great generalship. When he fell General Beauregard, who though sick was on the field, took command, and following the plans and dispositions of General Johnston continued the battle until nightfall, the victorious Confederates lying down to rest in the deserted camps of the enemy. The battle, which was resumed on the 7th, was fought by the Confederates under many disadvantages. Grant's defeated troops hugging the bank of the Tennessee River all night, under cover of a fleet of Federal gun-boats, were reinforced by Buell, whom General Johnston had hoped to meet and defeat after he had destroyed or "bagged" Grant. These reinforcements, though footsore by reason of hard marches, were not demoralised as were the troops of Grant and Sherman. As fast as they could be crossed over the river they were sent to the front, and they were the men the Confederates met and held in check, administering chastisement so severe as to prevent them from following for any great distance after the line of retreat to Corinth had been taken up, as it was so soon as it could be effected in safety and in an orderly way. The battle of Shiloh was the first pitched battle fought on the soil of Tennessee during the

civil war, and it was one of the severest. The losses were very heavy (Confederates 10,699), especially of the Federals (15,000), who on the first day lost a whole brigade—that of Prentiss—which was captured by Polk's division. The triumph of the Confederate army was a signal one, due to the consummate generalship which planned the battle as much as to the bravery of the soldiers. Up to the time of General Johnston's death, his troops were victorious on every part of the field, and had it not been for the timely succor of General Buell, Beauregard would doubtless have captured Grant's army on the second day or driven a mere remnant of it into or across the Tennessee River. The Confederate army reoccupied Corinth and fortified it with a view to a siege, but on the near approach of the Federals under Halleck, who had assumed command of the greatly strengthened army, this design was abandoned and a retreat to Tupelo, Miss., was ordered and effected by the 20th of May. As a result of this movement all the defensive positions on the Mississippi River above Vicksburg fell in rapid succession into the hands of the Federal forces, now fast being reinforced by immense bodies of recruits — Island No. 10 and New Madrid on April 7th, Fort Pillow on June 4th, and Memphis on the 6th, after a fight between the Confederate and Federal fleets, the former under command of Commodore Montgomery, the latter under Commodore Davis, U. S. N. In a space so contracted as the river occupies in front of Memphis, with a willful and swift current to contend with, the commanders found it difficult to manœuvre their vessels, and the fighting consisted mainly in ramming, the Federal vessels having for this new method of naval warfare introduced by the Confederates at Hampton Roads, not only the great advantage of boats of the most modern scientific construction for river service but of the down stream momentum, which gave them an overwhelming and almost irresistible speed, added to that imparted by their powerful engines. The Confederate vessels, all of them ordinary river boats roughly and only in part reconstructed for war service, had to contend against the current, and proved to be all but powerless against the Federal iron clads with their superior weight and heavy armament. On the night of the 5th of June the Federal fleet appeared at the bend above the city, and everything was at once put in preparation by the Confederates for the morrow. It was made up of sixteen mortar boats, six rams under the command of Colonel Ellett, jr., eight iron clad gun-boats, and a large number of tugs and transports. The rams were all of them iron shod, and especially constructed, as to draft and power, for operation and ramming. This ram fleet was independent of the navy, but co-operated with it. The Confederate fleet consisted of seven gun-boats, six of them carrying two guns each, and one four, making a total of sixteen guns to the eighty-four of the Federal fleet. It was commanded by Commodore Montgomery, a volunteer officer who had had many years' experience on the Mississippi as captain of a large passenger steamer. The captains and all the officers and men under him were men

of like experience as himself, and were unfitted, especially on the make shift vessels they had, to encounter a fleet of Federal iron-clad gun-boats, well manned and commanded by regular naval officers, educated and trained for such service. The Federal gunboats were the *Benton*, *Louisville*, *Carondelet*, *Cairo* and *St. Louis*, and Ellett's ram fleet *Queen of the West*, *Monarch*, *Lancaster* and *Switzerland*. The Confederate fleet comprised the *Van Dorn*, *General Sterling Price*, *General Beauregard*, *General Bragg*, *Sumter*, *Little Rebel*, *General M. Jeff Thompson* and the *General Lovell*. Early on the morning of the 6th of June Commodore Montgomery moved up the river to engage the enemy—in ignorance of the presence of the combined fleets — while the gunboats were firing at long range. The commodore, who had been very successful in his encounter with the same fleet on the 10th of May preceding, in front of Fort Pillow, during which engagement, fighting, as Admiral Porter recounts, in a helter-skelter sort of way, he succeeded in sinking the iron-clads *Cincinnati* and *Mound City*—was emboldened to believe that profiting by previous experiences, he could do even better, and he advanced with confidence. His challenge was accepted by the United States ram fleet, the *Queen of the West* gallantly attacking the *General Lovell*, which lead the Confederate advance, crashing through her timbers and so completely wrecking her that she drifted to the Tennessee shore and sank. The *Queen* released from the *Lovell* next attacked the *Beauregard*, but she parried the thrust and in turn rammed her so that she floated to the Arkansas shore, whence an attempt was made to rescue her crew, but was only partially successful as the sharp-shooters in the rams killed many of the drowning men and their rescuers. The *Beauregard* next attacked the *Monarch*, but missing her ran into the *Price* and disabled her so that she was quickly steered for the Arkansas shore, where she too sank. The *Little Rebel*, in the meantime disabled by the explosion of a Federal shell among her machinery, drifted down the river and sank, Captain Montgomery and Captain Fowler and part of the crew escaping to the Arkansas swamp. The *Jeff Thompson*, the *Bragg* and the *Sumter* were now left to continue the hopeles fight, the *Van Dorn*, filled with munitions of war, having judiciously steamed down the river to the cover of the guns of Vicksburg. The *Thompson* pressed too close was run ashore and blown up by her officers, and the *Bragg* and *Sumter* though run ashore were captured before they could be destroyed. Captain Cable of the *Lovell* was killed, and Colonel Ellet of the U. S. ram fleet died a few days after of wounds received in the battle. The Confederate losses were eighty-two killed and wounded, and seventy-five prisoners. The city of Memphis being thus by the fate of war uncovered to the enemy, was taken possession of by Commander Davis, who landed a party of sailors from the flag ship *Benton*, under command of a naval officer who marched them to the post-office on the corner of Third and Jefferson streets where the national flag was hoisted. A great crowd, composed mainly of those who in the morn-

ing had witnessed the naval engagement from the bluff, accompanied the sailors who stood the chaffing, and ran the gauntlet of threats with steadiness and in silence. There was no attempt at assault made, but as the flag was being hoisted a young man by the name of Crook, an insurance agent, who was afterwards killed in the Confederate service, fired a pistol shot at the little group standing on the roof of the high building, but it did not reach its intended destination. The ball struck the top of the house and fell harmless. Later in the day the Forty-third and Forty-sixth Indiana Regiments of Infantry, under command of Colonel G. N. Fitch, were landed, and another flag by his order was run up on a flag-staff at the southeastern corner of Jefferson and Front street, where they found a Confederate flag had been nailed to the mast. No attempt was made by the citizens to molest these flags which remained flying all night. As preparation for the evacuation had been made, the Federal authorities found no Confederate property. All the machinery of the gun, ammunition and other factories, and the stores of the quartermaster, commissary and ordnance departments had been removed, and the dry goods and clothing stores had been swept of their contents by order of General Beauregard. The property of the State, and the books and assets of the banks also went out with the retreating forces. But the municipal and county governments remained intact; the mayor John Park, having made the only surrender that he could make of the city, thus secured an official recognition that served to quiet and allay the apprehensions of the people.[1] The following official notice of the

[1] The following is the correspondence on the occasion between Commodore Davis and Mayor John Park:

UNITED STATES FLAG STEAMER *Benton*,
OFF MEMPHIS, June 5, 1862.

SIR: I have respectfully to request that you will surrender the city of Memphis to the authority of the United States, which I have the honor to represent.

I am, Mr. Mayor, with high respect,
C. H. DAVIS, Flag Officer Commanding, etc.

TO HIS HONOR THE MAYOR OF THE CITY OF MEMPHIS.

To this Mayor Park made the following answer:

MAYOR'S OFFICE, MEMPHIS, June 6, 1862.

SIR: Your note of this date is received and contents noted. In reply I have only to say that as the civil authorities have no means of defence, by the force of circumstances the city is in your hands.

Respectfully,
JOHN PARK, Mayor.

TO C. H. DAVIS, Flag Officer Commanding, etc.

Commander Davis, in reply to this, made the following response:

UNITED STATES FLAG STEAMER *Benton*,
OFF MEMPHIS, June 6, 1862.

SIR: The undersigned, commanding the naval and military forces of the United States, in front of Memphis, has the honor to say to the mayor and the city that Colonel Fitch, commanding the Indiana brigade, will take military possession immediately. Colonel Fitch will be happy to receive the co-operation of his honor the mayor, and the city authorities, in main-

Federal occupation was made through the daily newspapers on the 7th:

NOTICE.

HEADQUARTERS INDIANA BRIGADE, MEMPHIS, June 7, 1862.

The undersigned, with the troops under his command, has taken military possession of this city, in the name of the government of the United States, for the purpose of asserting the supremacy of the constitution and laws of the Union, and restoring peace, protecting public and private property and the lives of citizens. Residents who may have fled from their homes are exhorted to return; merchants and others who have abandoned their business are requested to reopen their stores and shops, excepting those dealing in intoxicating liquors, who are forbidden to resume that traffic under penalty of having their stock destroyed. The mayor and the Common Council will continue in the exercise of their municipal functions, the military authorities simply co-operating with them in enforcing all proper ordinances, unless some exigency arises rendering it imperative to place the city under martial law. It is hoped and believed, however, nothing will occur to render this step necessary. Certainly no act of this command shall afford any pretext for the citizens placing themselves in that position. Captain John H. Gould, of the Forty-sixth Indiana Volunteers, will act as provost marshal until further orders. Major John C. Major, of the Forty-third Indiana Volunteers, will have command of the picket and patrols.

G. N. FITCH, Col. Com. Brigade.

This was shortly after followed by a series of general orders, by Colonel James R. Slack, who superseded Colonel Fitch in command, prohibiting the sale of liquors, providing a provost marshal and guard for the city, and prohibiting lewd women from parading and exhibiting themselves upon the street. Another order, of the 8th, instructed commanding officers that "all negroes, except those who came with the command to this place, and of whom descriptive lists are filed at these headquarters, will be excluded from the lines and boats. Any officer or soldier violating, or conniving at a violation of this order, will be severely and promptly punished." General order No. 3, issued on the 13th, called upon all "parties who have in their possession notes, bills and choses in action belonging to loyal citizens of the United States, to deliver to the owners of said notes, bills and choses in action upon demand, and upon the payment of such legitimate liens as the holder thereof may be entitled to by virtue of the laws of the land upon the party owning said claims proving his loyalty to the government of the United States, and that he, she or they have not been either directly or indirectly engaged in the rebel service." Another general order, No. 4, prohibited "the dealing in, and passage of, currency known as 'Confederate scrip' or 'Confederate notes,' as the use thereof as a circulating medium was regarded as an insult to the government of the United

taining peace and order. To this end he will be pleased to confer with his honor, the mayor, at the military headquarters, at 3 o'clock, this afternoon.

Yours, etc.,

C. H. DAVIS, Flag Officer Commanding.

TO THE MAYOR OF THE CITY OF MEMPHIS.

In the meantime, while this correspondence was in progress, Colonel Ellett, commanding the ram fleet, also entered into correspondence with the mayor as to the raising of flags over the post-office and court-house, to which Mr. Park responded that he had no power to prevent the raising of the flags.

States, and an imposition upon the ignorant and deluded. All persons offending against the provisions of this order will be promptly arrested and severely punished by the military authorities." This order was issued on the 13th of of June, just one week after the capture of the city, so eager was Colonel Slack, who succeeded Fitch because he was too lenient, to get at the root of things and wipe out "all the belongings of and attachments of the people" for the Confederate government. On the 20th general orders 5 and 8 were issued, summoning the mayor, the aldermen, the police, firemen and all the employees of the city to "come before the provost marshal and take the oath of allegiance to the government of the United States." These were promptly obeyed and the following was issued:

PROCLAMATION.

HEADQUARTERS UNITED STATES FORCES,
MEMPHIS, Tenn., June 20, 1862.

The city of Memphis now being in possession of the Federal forces, the rights of persons and property under the constitution and laws of the United States, having been restored to the citizens of a common country, and persons living in the city and vicinity are invited to resume their usual avocations, and restore that confidence which is so necessary to the peace, happiness and future prosperity of a people who have so long been accustomed to the blessings of the best government ever vouchsafed to mankind. In view of these facts, the people are invited to come to the city and purchase supplies for their necessary wants, assuring them that in so doing the power of the Federal government will extend any protection in the legitimate pursuits their interests may demand. JAMES R. SLACK, Colonel Commanding.

Neither this nor the similar invitation of Colonel Fitch had any effect. The stores and places of business remained closed. The people regarded the Federals as aliens and treated their orders and proclamations with silent contempt. An order from General Grant's headquarters and by him, as commander of the district of West Tennessee, issued on the 28th, explained that "passes issued for persons to pass out of the city will be understood to mean the person alone, and will not include goods, letters or packages. Where letters are found on persons passing out, without being marked PASSED by the Provost Marshall, Post Commander or General Commanding, they will be seized and delivered to the Provost Marshal and the offender arrested. Powder, lead, percussion caps and fire arms of all descriptions are positively prohibited from being carried out of the city by citizens. Citizens are also prohibited from carrying them within the city limits on pain of forfeiture of such weapons and ten days' confinement, for the first offence, and expulsion south of our lines, to be treated as spies if ever caught within them thereafter, for the second." On the 2d of July General Grant issued another order through William S. Hillyer, colonel and provost marshal general, directing that "no newspaper will be permitted to be published within this district unless the editors and proprietors thereof, shall first take an oath that they will bear true allegiance to the government of the United States of America, and that they will support the constitution and laws thereof, and disclaim or renounce all allegiance to the

so-called Confederate States. Local Provost Marshals will see that this order is strictly enforced." The *Argus* and *Avalanche* were at once suspended under this order, but the *Bulletin* was published in place of the latter, and the *Union Appeal*, which was published by J. K. Davisson, of the 24th Indiana Volunteers, who was authorised by Colonel Slack, by special order No. 4, to take possession of the *Appeal* office and the material that had been left by the proprietors, who, apprehending exactions by the Federal authorities such as have been described, removed their press and two "new dresses" of type to Grenada, and there in comfortable quarters, on the 9th, had begun the publication of the *Appeal*, which had become a necessity to the army. Among the most serious losses sustained by the Confederacy by the fall of Memphis, was that by the burning of the ram *Tennessee*, which, with her consort, the *Arkansas*, was on the stocks under construction, at the Center Landing. The activity evinced by the Federal government in the summer of 1861, in the building of iron-clad gunboats at St. Louis, for service on the Mississippi and its tributaries, alarmed the people, and they urged their members of Congress to press upon the attention of the government at Richmond the necessity for steps in the same direction. They clamored for gunboats for the defence of the river. Yielding to this, to the urgent entreaties of Major-General Polk, and to the resolutions of the Legislature of Tennessee, Congress passed an act on the 24th of August, 1861, making additional appropriations for the navy, which contained a clause providing for the construction, equipment and armament of two iron-clad gunboats at Memphis, for the defence of that city and the Mississippi River, and appropriating $160,000 for that purpose. President Davis promptly approved the act, and on the same day Mr. Mallory, secretary of the navy, entered into a contract with Captain John T. Shirley, a well known and wealthy steamboat owner, to construct two vessels according to the plans and specifications of the department, and deliver them on the 24th of December following, under heavy penalties. These vessels were to be known as the rams *Arkansas* and *Tennessee*. The difficulties in the way of the contractor were almost insurmountable. He could not find skilled labor enough, and the army commanders, with so many drains upon them for mechanics of all descriptions, after supplying several quotas, declined to detail any more. Two saw-mills had to be constructed to saw the long pine timber which was brought to the Center Landing, where the keels were laid, a distance of one hundred or one hundred and twenty miles by railroad. Iron was purchased in Tennessee and Arkansas, or Mississippi, wherever it could be found, and the bolts and spikes were made at the iron works on the Cumberland River. Fighting all these disadvantages, and finally the greater one of want of money, Captain Shirley pushed the work, under the direction of Captain Prime Emmerson, also a man of great energy and many resources, but he could not fulfill the contract in time. On a fair representation to the depart-

ment of the facts, an extension was granted him. He could not, however, complete them at Memphis. The fall of Island Ten, and the forts at Madrid Bend, induced the department to order the removal of the *Arkansas*, which was farther advanced toward completion than the *Tennessee*, to New Orleans, for completion, but, as the Federal fleet passed the forts at the mouth of the Mississippi, Commander McBlair, on the 25th of April, advised the secretary that he would take her instead up the Yazoo, carrying with her the materials and engines for her equipment, and leaving the *Tennessee* to be destroyed on the approach of the enemy. This was accordingly done, and on the 26th of May, 1862, Lieutenant Isaac N. Brown, under orders, assumed command of the *Arkansas*, and began the work of fitting her for service.

On the 26th of June with the permission of the newly installed Federal commander Slack, an election was held and John Park was re-elected mayor, about 700 votes being cast, all the voters being required to take the oath of allegiance to the United States, in whose name a revenue collector and custom house officers had opened offices with a view to the supervision of trade by a regular system of treasury regulations and permits which soon became a means of whosesale corruption, as such licenses to trade were not granted to any but merchants who would take the oath. This most of them refused to do, and anxious to ship the products they had stored were compelled to resort to go-betweens, through whom before the end of the month, they had arranged for the shipment of 9,206 hogsheads of sugar, 8,117 barrels of molasses and 7,061 bales of cotton. This brought United States currency and gold and silver to the city, and as the trading class was shortly increased by a thousand or more merchants of every degree from the north, business was in a few months very brisk, and many treasury officials were making fortunes by the system of which they had the key, defying alike investigation or detection. Attempts were made to hold what was termed union meetings, but they proved utter failures, and whenever announcements were made of Memphis merchants taking the oath of allegiance, in almost every instance it proved to be a new comer, whose loyalty was a foregone conclusion. This was so much and so notably the case that General Grant, who took personal command in July, issued an order expelling from the Federal lines and the limits of the city all persons concerned in or employed by the Confederate government in a civil or military capacity, or who were connected with such persons, and "all persons holding State, county or municipal offices who claim allegiance to the said so-called Confederate government, and who have abandoned their families and gone South." This stringent order was followed on the 16th by one from General Hovey, who had superseded General Grant in command, requiring every man between the ages of eighteen and forty-five to take the oath of allegiance, or leave the city. This forced about 1,300 men into the Confederate army, and intensified the hate that grew out of the previous military and

civil orders for the oppression of the people who remained loyal to the Confederate government. General W. T. Sherman superseding Hovey took command on the 19th, and on the 20th issued an order re-opening trade between the city and the country on the five principal roads leading out of the city without passes or hindrance of any kind save liability to search for goods contraband of war, by the guards or pickets, such intercourse to be by day-light, market gardeners and milk men alone to be excepted. This liberty was not very long availed of by the planters as another order issued a few days after prohibited the payment of gold, silver or treasury notes to planters or farmers for cotton, and ordered quartermasters to seize all the cotton purchased after the date of the order (the 23d) and send it north to be sold, the proceeds to be held subject to the claim of the owner. Tennessee and other Southern bank paper might be used for the purchase of cotton, or buyers might give obligations to pay at the end of the war, or at the pleasure of the government, or might deposit the value of it with the quartermaster to be held in trust for the planters. This of course lead to evasion, perjury, the corruption of officials and the open and shameless robbery of the planters who had been induced by Sherman's first order to enter the city and offer cotton for sale. It was modified by an order from the president, but not sufficiently so to make the radical change that was necessary for the protection of the people. Besides it was followed by an order from General Grant directed to General Sherman to "take possession of all vacant stores and houses in the city and have them rented at reasonable rates, to be paid monthly in advance, the buildings and tenants to be turned over to the owners on proof of loyalty." Houses, which had been leased by disloyal owners, were also to be seized, and the rents appropriated by the United States. This lead to the wholesale confiscation of the property of the people. Yet this was not enough. General Grant, early in August, issued an order compelling the families of all persons absent in the Confederate States to be sent out of Memphis. Nothing was omitted that was calculated to force the few men who remained in the city into loyalty. General Sherman, who had many theories and as many vagaries[1] followed this sweeping order of Grant's by another, prohibiting the

[1] The following letter from General Sherman to Mayor Park is a fair illustration of the general tendencies at that time:

HEADQUARTERS, DISTRICT OF MEMPHIS,
Memphis, November 25, 1862.

To the Mayor and Council, City of Memphis:

GENTLEMEN — I regret to notice that you propose to issue a species of currency of denomination as low as *ten* cent "shin plasters," to swell the amount of bad money with which your community is already afflicted. The issuing of bills of credit by way of money is in my judgment in direct violation of the constitution of the United States, and I think Congress at the last session passed a bill prohibiting all issues below one dollar, and provided a species of currency called the "post-office currency," which will soon gradually supplant the worthless trash which now is a disgrace to the name of *money*. As soon as possible enough of this post-office money will come here and suffice for the wants of the people.

importation and sale, except by permit, of arms, ammunition, salt and salt meat, and commanding dealers to keep an account of goods received and the disposition made of them, said account to be subject to inspection at all times by the provost marshal. Dealers in arms and medicines detected in endeavoring to get the same outside the Union lines, were to suffer the extreme penalty of military law. Another order of General Sherman's issued on the 10th, regulated commerce and trade between Memphis and Helena. By it no boats were to receive goods without permits, and persons who had never encouraged secession were to receive facilities for shipping supplies on their taking an oath that no part of the same were to be sold to disloyal persons. General Sherman, who had just had Randolph destroyed by fire, also ordered that for every transport fired into by guerrillas operating on the Tennessee or Arkansas shores, ten families should be sent out of the city, and on the 25th of October he enforced by a general order, the most rigid sections of martial law upon the citizens, rendering nugatory the ordinances and officers of the city government. By this a military commission of three army officers was to sit daily to try offenders under the laws of war. Vagrants, thieves, and other disreputable characters, were to be organised into gangs and set to work in the trenches or on the streets. Citizens lurking about the camps were to be treated as spies. The inhabitants were to keep within doors, between tattoo and reveille, unless attending church, places of amusement, a party of friends, or necessary business. After midnight all persons must be in their houses, except the guard. Assemblages of negroes were forbidden, except by permission previously obtained from the provost-marshal. Another order by General Sherman prohibited the importation of liquors, except by gentlemen, citizens, and officers, for the exclusive use of themselves and their families, or by regular apothecaries for medicinal purposes, to be retailed on a physician's prescription; or by keepers of hotels and licensed saloons, in limited quantities, not exceeding one month's supply at a time. General Sherman was an active and zealous partisan of the Union cause, and made it manifest not only by his orders so relentlessly extreme, but by the interest he took in the meetings of the Union men. At these he made strong speeches denouncing what he termed disloyalty, and extending to the loyal

Inasmuch as we seem to be imitating the example of Mexico rather than those high modes of ancient and modern times that we were wont to do in times past, I would suggest a simpler and better currency for the times. In Mexico soap is money, and the people do their marketing through the medium of cakes of soap. Why can you not use cotton for money? It has a very convenient price, fifty cents a pound, put it up in pounds and fractions and it will form a far better currency than the miserable shin plasters you propose. If cotton be king it has the genuine stamp and makes money — is money. Therefore I suggest that instead of little bits of paper you set to work and put up cotton in little parcels of five, ten, twenty-five and fifty cents. If it be my last act I wish to spare the people of Memphis from the curse of any more *bad* money. Yours in haste,

W. T. SHERMAN, Maj. G. Com'd.

every advantage in trade, and all the benefits the Federal government could extend, the disloyal being permitted to breathe and eke a living as best they could, the prey of villainous military officials. About the middle of December General Hurlbut relieved General Sherman, and the people breathed more freely. His first order was to close the drinking saloons, but he could not prevent the operations of the Confederate cavalry which penetrated to the suburbs of the city, carried off cattle and conscripted all the men they could find for the Confederate army. The imported loyal citizens who were frequent sufferers by these depredations, held meetings and denounced such warfare wholly forgetful or oblivious of the almost Draconian code of General Sherman, who had made himself a terror to the peaceful people. They enrolled themselves in companies for the defence of the city, and the provost-marshal for the time interdicted all trade. The Confederates were very active and daring, and by their presence in Shelby and the adjoining county, prevented the election of members of Congress from the Ninth and Tenth districts, which had been ordered under instructions from President Lincoln by Military Governor Johnson, who was in constant consultation with the leading Union men of the State, who had formed a "State Central Union Committee" of five of their number[1] for the purpose of communicating with the friends of the Union in every part of the State with a view to reorganising the State government, a work which was postponed until 1864 on account of the presence of Confederate armies and Confederate cavalry expeditions which were raiding constantly in every division of it.

XIX.

RETURNING to the movements of the "Confederate Army of the Mississippi," we find that General Beauregard's illness continuing, he transferred the command of the army at Corinth to General Bragg, a distinguished soldier, who in the Mexican and Seminole wars was noted for his courage, and as an unyielding disciplinarian, possessed of superior powers of administration. He had joined the army at Corinth with a well drilled and well organised division from Pensacola, and had commanded a corps at Shiloh, as second in command to Beauregard on that field, ordering the preliminaries and conducting the masterly retreat from Corinth. But wanting in what

[1] The committee was composed of Allen A. Hall, John Lellyett, Russel Houston, Horace H. Harrison, and M. M. Brien, and they were appointed at a meeting held in Nashville, at which the following were among the leaders: W. H. Wiseman, ex-Governor W. B. Campbell, Colonel L. D. Campbell, General Dumont, Governor Johnson, Colonel W. H. Polk, Edmund Cooper and W. B. Stokes. Ex-Governor Neill S. Brown joined their ranks on the 14th of May, and Judge Catrin aided the Union cause in every way by charging the grand jury at Nashville to ferret out and punish all who were aiding or abetting the marauding parties that infested the State.

we now try to express by the words "magnetic qualities" which distinguished Lee, Albert Sidney and "Joe" Johnston, "Stonewall" Jackson, Cleburne Cheatham and Forrest; he was not popular with the rank and file. They had confidence in his abilities, but the subtle power which eludes language adequately to express, and which ties men to leaders of such varying dispositions as lies between the first and the last of the above named generals, was wanting; and though they respected him, and fought well under him, they never came to regard him as an idol. General Bragg could be enterprising even to rashness, and as the battles he fought prove, he made use of a very high order of intelligence, by none so much admitted or admired as by those most competent to judge, who held high commands and knew something of the powers necessary to the performance of the duties of so weighty a trust. He was a man of inflexible will and determination, self-reliant even to the borders of stubbornness, but his resources were in other directions limited, and he failed to profit by victories and push on to overwhelming success. Soon after his assumption of command, the Army of Mississippi, re-enforced and reorganised, was put in motion, and in July was transferred from Tupelo, Miss., to Chattanooga, Tenn., by way of Mobile and Montgomery, Ala., to confront Buell, who had been ordered to occupy that place, while Grant held the line along the Charleston Railroad from Huntsville, Ala., to Memphis. As Buell neared Chattanooga, Bragg, after concentrating his troops, suddenly took up his line of march to invade Kentucky, moving east of the Louisville Railroad, and so compelled the retreat of the Federals, who owing to the delays incident to the storming and capturing by the Confederates of most, if not all the many fortified outposts on their line of march, were enabled to reach Louisville a day in advance of Bragg. The arrival about the same time of a column of Confederates under the command of General Kirby Smith, in the vicinity of Cincinnati, O., had the effect of arousing the Northwest, terrorised by what seemed to them a probable invasion of their country, and the result was that Buell was immediately and heavily reinforced, and Bragg and Smith were compelled to retreat, accomplishing but one of the three purposes that were said to have induced the movement. They gathered an immense quantity of supplies, but failed to secure reinforcements in Kentucky, and they did not enter Louisville. The line of retreat was toward Chattanooga, but they were overtaken on the 8th of October at Perryville, Ky., where a battle was fought, the Federals being so crippled that they did not any farther attempt to interrupt the retreat which was continued until Chattanooga was reached. The Federal losses in this battle were fifteen pieces of cannon and 4,000 men, and that of the Confederates 2,500 men. General Rosecrans relieving Buell of command of the Federal Army by order of the president, conducted it to Nashville, which it occupied and fortified. After a few weeks of rest, the Army of Tennessee, as "the Army of Mississippi" was now designated, moved up from

Chattanooga and occupied Murfreesboro, where it remained for some days undisturbed. After taking position, General N. B. Forrest[1] was ordered to report to General Bragg in person, and by him was ordered to take post at Columbia, and there prepare for an expedition into West Tennessee. On taking command of this brigade for that purpose, he found it to consist of 1,800 men poorly mounted, and armed only with old, unserviceable flint-lock muskets, and shot and squirrel guns. He reported to his commanding officer the condition of the brigade, and its consequent unpreparedness for a service so hazardous; but the answer came back curtly and peremptorily to march, and without delay. This he did, and crossed the Tennessee River on the 13th of December. By the 3d of January he was back again, and his brigade, much augmented, was encamped at Mount Pleasant, a few miles from Columbia, having in two weeks accomplished more hard fighting, rough riding and destruction and capture of property than the annals of war up to that time afforded any account of. These superb troopers had averaged over twenty miles of marching each day, had fought three well contested engage-

[1] General Forrest first attracted attention by his reconnoissance to Green River, at the beginning of the war, the affair at Sacramento, and by his bravery and determination at, and his escape with his regiment from Fort Donelson, when he passed out between the enemy's right and the Tennessee River. His coolness and daring on the night of the 7th of April, at Shiloh, and on the 8th while charging a strong reconnoitering party of the enemy, brought him conspicuously to the attention of General Beauregard, to whom he reported for duty at Tupelo, though still suffering from wounds received. On the 9th of June, 1862, he was ordered to take command of a brigade of cavalry already on service in Tennessee to assist General Kirby Smith in an offensive movement into middle Tennessee from Chattanooga.

Judge Romain, in the "Military operations of General Beauregard," says, "Forrest hesitated at first, modestly alleging his inability to assume such responsibility, but yielded finally, when again urged by General Beauregard, and after receiving the promise that his old regiment should be sent to him as soon as it could be spared from the Army of Mississippi. Thus began the brilliant military career of this remarkable man. He was a born soldier, and had he received a military education, would have ranked among the greatest commanders of the late war; even as it is, he should be counted one of the first."

General Richard Taylor, in his work, "Destruction and Restoration," says of General Forrest, that "like Clive, nature made him a great soldier, and he was without the former's advantages. . . He employed the tactics of Frederick at Leuthern and Zorndorf, though he never heard their names. Indeed his tactics deserve the closest study of military men. Asked after the war, to what he attributed his success, he replied, 'Well, I got there first, with the most men.' Jomini could not have stated the key to war more concisely."

General Granville Dodge, a distinguished Federal commander, when asked what he thought of the Confederates, and the way they were handled in the war, replied: "They were some of the finest soldiers in the world, and they had commanders in many cases superior to ours. Forrest, for example, was one of the best cavalry commanders in history. I heard General Sherman say that if he could only match Forrest with a man of equal enterprise many of his difficulties would fade."

General Forrest's achievements outside Tennessee were of the same adventurous character. For the last two years of the war he was the sentinel and safeguard of north Mississippi and north Alabama, to the very last defeating every expedition organized to destroy or capture him.

ments, with daily skirmishes, destroyed fifty large and small bridges and much of the trestle work on the Mobile and Ohio Railroad, rendering it useless during the remaining years of the war; they had captured and burned eighteen or twenty stockades, captured or killed 2,500 of the enemy, taken or disabled ten pieces of field artillery, carried off fifty wagons and ambulances with their teams, captured ten thousand stand of excellent small arms, one million rounds of ammunition, and returned thoroughly armed and equipped, most of the men with re-mounts, and with a surplus of five hundred Enfield rifles, and one thousand eight hundred blankets and knapsacks—Forrest having covered in his operations nearly the whole of West Tennessee from the Tennessee River to the Mississippi. This was one of the most brilliant achievements of the war, and convinced the authorities, both civil and military, as the people had been convinced long before, that in Forrest, Tennessee was to find her greatest soldier, a general of more than hap-hazard fortune or tact, a man of something more than mere brute courage, an officer of skill, judgment and providential or prescient outlook, who took advantage of his knowledge of the country, and the relative positions of the outlying detachments of the Federal Army in an intelligent way to strike them in detail, and elude all their plans for his capture or overthrow. This invasion of West Tennessee in very inclement weather, was the most notably brilliant achievement of the campaign. General Forrest was recalled from a field he had not fully garnered, by orders from General Bragg, who still at Murfreesboro, was on the last day of the year 1862, attacked by Rosecrans, when a battle resulted that continued until the evening of the 22d of January, 1863, when the Confederates retired a few miles south of the battle-field, and took position on Duck River. This battle of three days resulted in a loss to the Confederates of ten thousand men killed, wounded and missing out of thirty-five thousand engaged, and of twenty-five thousand men to the Federals out of sixty-five thousand engaged—six thousand of them prisoners. It was a fierce and bloody contest, the advantage being with the Confederates at the close of the first day; but Rosecrans, having been heavily reenforced and greatly strengthened by the massing of his artillery, it was found impossible to dislodge him, and Bragg wisely retired, his men having been in line of battle for five days, with little food or rest, and without any shelter from a continuously cold rain, their endurance, pluck and valor being more severely tried than during any of the previous engagements. Bragg fell back to Tullahoma, where he took position on the 4th of January, and there remained for some days, the cavalry under Forrest and Wheeler keeping the enemy actively on the defensive. About the middle of January, two weeks after this battle, General Wheeler in command of the cavalry of the army, made an expedition to break up the enemy's communication. After destroying several miles of railroad, he moved over to the Cumberland River, where he captured four loaded transports, three of which were burned, the fourth being boarded,

and released to carry home four thousand paroled prisoners. He also captured a gun-boat, on which he carried his men to the landing at Harpeth Shoals, where he destroyed an immense quantity of provisions in wagons ready for transportation to Nashville. Two weeks later, and early in the first week of February, General Van Dorn, another enterprising cavalry officer and distinguished commander, made an expedition into Middle Tennessee with eight thousand hastily organised and poorly mounted and equipped cavalry, and occupied the neighborhood of Columbia, thus enabling General Bragg to feed his troops. The Army of Tennessee remained at Tullahoma until April, and then fell back to Chickamauga. Before it had reached this latter place, the intrepid, daring and enterprising General Forrest, who had recently joined the army from his very successful expedition to West Tennessee, was ordered to North Alabama to the relief of General Roddy, who was very closely pressed by a heavy force of Federals under Colonel Streight, a daring officer, who after a series of encounters in which the losses on both sides were severe, surrendered a force three times that of Forrest to that officer with a corresponding quantity of small arms, horses and equipments. Forrest returned from this duty to take part in the affairs covering the retreat of the army to Chickamauga, where another battle was fought—a desperate and bloody encounter—on the 19th and 20th of September, the Federals under Rosecrans, numbering 64,392 men, and the Confederates 47,321, the latter achieving a signal victory, which Bragg failed to take advantage of and push as he might have done, to the destruction of the enemy. The Federal losses were heavy, among them being eight thousand prisoners, fifty-one pieces of artillery, and fifteen thousand stand of small arms. Rosecrans, completely demoralised and carried away by the terrors of the occasion, telegraphed President Lincoln that he had been utterly routed, or he would have been but for the almost superhuman efforts of General Thomas's division, which fighting desperately, kept the Confederates at bay and fully employed until darkness set in, thus enabling the panic-stricken and struggling soldiery to get into Chattanooga, to which Bragg the next day laid siege, until the timely arrival of fresh troops under Sherman and Hooker compelled the raising of it, and the Army of Tennessee fell back and took position on the heights overlooking the town. After this almost fruitless victory at Chickamauga, and on the 15th of November, General Forrest—who had retired disgusted with the commanding general's inability to take advantage of the demoralised condition of the Federal Army—under orders from General Bragg, at the suggestion of President Davis, was on his way with five hundred men for a second expedition into West Tennessee, which was as successful as the first. Entering that division of the State at Saulsbury on the 4th of December with these five hundred men, two guns and five ordnance wagons, he left it at Lafayette Station on the 27th with 3,500 men well mounted, fifty wagons and trains loaded with subsistence, two hundred head of beef cattle, three hundred

hogs, and his artillery intact, losing only thirty men killed, wounded and captured, inflicting a loss upon the enemy of two hundred killed, wounded and captured; and all this in the very teeth of the Twenty-fourth corps of the Federal Army, numbering over ten thousand men sent out with special orders to crush him. But the alert intelligence and energy of Forrest were equal to so grave an emergency, and for the second time he recruited a cavalry division in West Tennessee, and armed and equipped it from the enemy's stores. While he was preparing for this foray, General Grant, who fresh from his great and crowning victory at Vicksburg, Miss., had been ordered to the command, was consolidating the Federal armies at Chattanooga, and an advance all along the line followed. On the 23d of November and the two following days the battles of Lookout Mountain and Missionary Ridge were fought, ending in a defeat of the Confederates, and the loss of positions deemed by General Bragg himself impregnable. The army fell back to Dalton, Ga., where on the 18th of December, General Joseph E. Johnston took command, relieving General Bragg who was ordered to service on the military staff of President Davis. During the time of the operations in front of and about Chattanooga, General Longstreet detailed from Lee's army to strengthen Bragg, and who commanded the left wing on the bloody field of Chickamauga, was detached by Bragg to prevent a junction of Burnside's Federal Corps then in Knoxville with the army under Rosecrans. He laid siege to that city, which was strongly fortified, but after some serious skirmishing and several attacks, was compelled to raise the seige, and retired on the approach of an army under Sherman, who had been ordered by Grant on that service so soon as Bragg had retired from Chattanooga to the mountains. Longstreet effected a junction with Bragg, but afterward moved back to Virginia and joined Lee again. The year closed with a raid by General Wheeler into East Tennessee, and a sharp encounter at Mossy Creek between General Morgan and the Federal General Sturgis. During this year, so crowded with events for both the Federal and Confederate armies, and after Bragg had retreated into Georgia, a serious attempt at the restoration of the State to the Union was made under the resolutions of a convention of Union men held at Nashville on the 1st of July. Military Governor Johnson expressed himself ready to issue writs of election whenever the people in a suitable manner expressed their willingness to commence the work of reorganising the civil government. But this was impossible. Even if the people had the disposition, which they did not, the Confederate cavalry was so ubiquitous as to deter even those who desired from taking any steps to that end. The military government continued, therefore, throughout the year and until January of 1864, on the 29th of which month Governor Johnston issued his writs of election. In November the soldiers of Tennessee in the service of the Confederacy held an election for governor and other officers, and for members of the Confederate Congress,

which resulted in the election of Judge Robert L. Caruthers to succeed Governor Harris, who was in the field looking after the interests of the troops, and doing what he could to recover possession of the State capital which had become the one great purpose of his life. But Judge Caruthers was not inaugurated, and Harris continued to act as governor, and was recognised as such in communications with the Confederate commanders and that government. Judge Caruthers was one of the foremost men of the State. A strong, symmetrical and beautiful character; a modest, christian gentleman, much given to philanthrophic work, finding his recompense in the good he accomplished. His greatest distinction was as the founder of the law department of the Cumberland University. Professor Andrew B. Martin, who knew him well, says that Judge Caruthers "preferred the role of private citizenship, and yet it frequently occurred in his long life that he was called to high and honorable office. A brief enumeration of the offices held by him may be interesting. In 1823 he was elected principal clerk of the House of Representatives in the Tennessee Legislature, which held its sessions then at Murfreesboro. In 1827 he was elected solicitor for this Judicial Circuit Court, and received his commission from Governor Samuel Houston. He held this position four years and eleven months, and then resigned. In 1835 he was elected to represent his county in the Tennessee Legislature. This was the first Legislature of the State, following the adoption of the new State Constitution, and by this circumstance, was rendered one of great importance. He served with distinction on the Judiciary Committee of that body. He declined re-election. In 1841 he was elected to the National Congress, succeeding the Hon. John Bell, and received his commission from Governor James K. Polk. He declined re-election in this case also. I have not time to refer to some interesting matters arising in this Congress with which Judge Caruthers was connected. In 1852 he was called to the supreme bench of the State by appointment of Governor Campbell, to fill the vacancy occasioned by the resignation of Judge N. Green, who had accepted a professorship of law in Cumberland University. By Legislative election in 1853, he was continued in that office, and again continued by election of the people in 1854. He held the office until the breaking out of the civil war. He was a delegate to the Peace Congress in 1861, and received his certificate of membership from ex-President John Tyler. He was a member of the Provisional Congress of the Confederate States." In Memphis the Federals still held sway, directing and controlling the people, and the trade with the interior very much in the spirit of the military and treasury orders issued in 1862 and which have been published in a preceding chapter; and although tolerated the municipal government was ignored by the Federal authorities as in any sense a factor in the life or affairs of the city. The people were still loyal to the Confederacy, but there were a few Union men who were pertinacious and noisy in their protestations of loyalty which was to most of

them productive of large profits. Some of these, in May, in behalf of "the Washington Union Club" addressed an invitation to Emerson Etheridge to join them in a public anniversary of the capture of the city by the Federals. In a letter acknowledging this invitation Mr. Etheridge affords an insight into the condition of affairs in Memphis that coming from a pronounced Union man is very valuable testimony. He said among other very sarcastic things: "I look in vain among the names attached to your letter for one which recalls a familiar face. I do not now remember that I ever had the honor of a personal acquaintance with any one of you, although in former times I knew many of the leading citizens of Memphis, among whom are not a few who are still ardently in favor of a restoration of our constitution. I regret to find none of them associated with you in the proposed demonstration. But I will indulge no complaints. Wherever our armies have secured a permanent lodgment in the South, as at Hilton Head, New Orleans, Newbern, Nashville, and Memphis, the northern friends of our most excellent president have supplied us abundantly with most disinterested men and women, whose loyal tongues are heard in melodious tones wherever we 'hold, occupy, and possess' a cotton or contraband settlement in the Confederate wilderness. Look at Hilton Head, where the tender maiden and tougher matron of the North mingle upon sisterly terms with the Palmetto African ladies of South Carolina. A bountiful issue of tracts and catechisms will no doubt soon be followed by an improved issue of contrabands—not so white as the pure Anglo, not so black as the normal African. In a few years they will

> Walk in beauty like the night
> Of cloudless climes and starry skies,
> And all that's best of dark and bright
> Meet in their aspect and their eyes.

In North Carolina, Charles Henry Foster, originally from Maine, and a warm political friend of Breckinridge, has organised a free labor association, and Governor Stanly has gone back to California in disgust. In Nashville we have a regularly organised abolition society. Its organ is the same as that of the State and Federal government, and the editor, though imported from abroad, is doing more to sustain the glorious administration of President Lincoln than any native born citizen of the State can do or is willing to do. This abolition society and this abolition newspaper, although conducted within the fortifications of the city, is doing, no doubt, very much to induce the people of middle Tennessee to cease all further opposition to the wise, gentle, and constitutional rule of our distinguished chief magistrate. In Memphis the harvest is a tempting one. With cotton at a dollar per pound and likely contrabands 'lying about loose,' our enterprising northern friends, who love the Union and wish it preserved under the guarantees of the constitution, may make 'a good thing of it.' Already I hear of several who have farms in Kansas, Iowa,

Illinois, Indiana and other 'loyal' States, which are now well tilled by negroes who once belonged to the Union men of the South. Facts like these will tend greatly to the restoration of peace and harmony, and materially aid in removing the predjudice which the people of the insurrectionary States have entertained against their northern kindred. They now know that the war is not to be so conducted as to deprive them unnecessarily of any portion of their property; and they now have positive proof that southern secessionists and northern copperheads, who charged that the war was to be finally waged against the South as a section, instead of the rebels and their allies, were guilty of falsehood. Furthermore, there is a large party of the North who have persistently refused to regard the African as the best representative of the human race. This influx of negroes will do much to change their opinions, and by the same means southern manners and customs will become gradually introduced north of the Ohio and Potomac, rendering our people more homogeneous than in former times. Thus we will again become a united and loving people. The lion and the lamb—the contractor and the contraband—will lie down together, and then the millennium will have come." The year which had been so disastrous to the Confederates closed in gloom. President Lincoln had at the outset of it, by proclamation, emancipated the slaves of those in rebellion, and thus had invited the sympathy of the world for the Union cause, and Lee had been defeated at Gettysburg, Grant had captured Port Hudson and Vicksburg,[1] Bragg had been driven, as we have

[1] Vicksburg was surrendered on the 4th of July, 1863, by General Pemberton, with 30,000 men, half of them sick, after a series of operations and a siege, beginning in February, by the land forces under General Grant, amounting to 140,000 men and the combined fleets of Admirals Farragut and Porter. An incident of the operations and a diversion, that for a time created as much consternation among the vessels of these fleets as the attack of the iron-clad ram *Virginia* in Hampton Roads, at the beginning of hostilities between the two governments, was the running the gauntlet of them by the ram *Arkansas*, under command of Captain Brown, who had completed and fitted her out at an improvised yard up the Yazoo River. The captain was a gallant naval officer, and graduated at the naval school at Annapolis, first in the class of 1833. He served in the United States navy with distinction, and commanded the steamer *Niagara* when she convoyed the steamer that laid the first Atlantic cable. He was still in command of her in Boston harbor, in 1861, when, following the fortunes of Arkansas, of which State he was a citizen, he resigned, and making his way home with some difficulty, at once tendered his services to the Confederate government. He took his old rank in the new navy and was assigned to duty in the West. His first service being in connection with the military operations along the Mississippi, under General Polk. On completing the *Arkansas* he ran down the Yazoo, and getting through the obstructions at the mouth, reached Haines's Bluff on the 14th of July, 1862, and there anchored for the night. On the morning of the 15th, as General Van Dorn wrote, Lieutenant Brown, "immortalised his single vessel, himself, and the heroes under his command, by an achievement the most brilliant ever recorded." He passed down the river and ran the gauntlet of the combined fleets of Farragut, Porter and Davis, comprising thirty-seven fighting ships and gunboats, a number of rams and many armed transports, killing or wounding 200 or more men of the Federal fleet, and playing havoc with the vessels, and reached the wharf at Vicksburg with the loss of ten killed, fifteen wounded

seen, back into Georgia, and "Stonewall" Jackson had been killed by his own men. The problem of food supply had become to the people of the South almost as serious as that of their political existence. The measures adopted by the Confederate government for the accumulation of grain and meats were so crudely and often rudely enforced as to excite the hostility of farmers loyal in every sense to the cause of national independence. With abundance of food in the country the means of transportation being wholly inadequate, the people of some of the cities were on the point of starvation and clamorous for bread. This necessity forced upon many of the municipalities the employment of agents authorised to make contracts, but returning in nearly every instance empty-handed they reported a condition of dissatisfaction almost amounting to rebellion among the farming classes, to conciliate whom there had unjustly been passed an act exempting all who had twenty or more slaves from military service, under the conscription act or general levy. Flour was selling in Richmond at $100 per barrel, and other things in proportion, and the wives of the soldiers at the front with Lee, threatened riot, which had been attempted by the women of Salisbury and Raleigh. Confederate currency was at a heavy discount and the public debt was becoming unwieldy and unmanageable because there was no intercourse with the outside world except by the hazardous methods of running the blockade. The government had 500,000 bales of cotton at its various depots, but no accessible market, and its limits of production had been narrowed by the loss of Tennessee and West Virginia,

and others slightly, himself among the number. Before entering upon the engagement, after he had weighed anchor, and while in front of three of the enemy's strongest and stoutest crafts, sent up Old River from the Mississippi, to impede his progress, he called his officers together, and addressing them said: "Gentlemen, in seeking the combat as we now do, we must win or perish. Should I fall, whoever succeeds to the command will do so with the resolution to go through the enemy's fleet, or go to the bottom. Should they carry us by boarding, the *Arkansas* must be blown up, on no account must she fall into the hands of the enemy. Go to your guns." The *Arkansas* did not fall into the hands of the enemy, She was blown up. Two esteemed citizens of Memphis served with Captain Brown, on the *Arkansas*, Lieutenant George Gift and Midshipman Dabney M. Scales. Lieutenant Gift, who has left a spirited memoir of the life and exploits of the *Arkansas*, says: "Lieutenant John Gimbrell and myself divided the honor of commanding the eight-inch columbiads. He fought the starboard and I the port gun. Midshipman Dabney M. Scales was his lieutenant, and a youngster named John Wilson, of Baltimore, was mine." He says again, "somebody called out that the colors had been shot away. It reached the ear of Midshipman Dabney M. Scales, and in an instant the glorious fellow scrambled up the ladder which was being swept by a hurricane of shot and shell, deliberately bent on the colors, knotted the halyards and hoisted them up again, and when they were again knocked away would have replaced them had he not been forbidden by the captain," who stood to his place on the deck a mark for every man of the Federal fleet, the "bravest of the brave." Lieutenant Gift was himself a man of heroic mold and a skillful seaman. He was born to his profession and was characterised by the generosity of the true sailor. On this occasion he performed prodigies of valor, and during the *melee* of death was as cool as the other heroes that surrounded him. His was an attractive personality. A true mam, he had attractions for all who in any degree reached to his standards, which were high and honorable.

which had become an independent State, and by the severance of Arkansas and Texas and part of Louisiana by the loss of the Mississippi. In Georgia there was great dissatisfaction with the government. General Toombs gave expression to this in a speech delivered in the hall of the House of Representatives, at Macon, on the 13th of November, when he said: "If we lose our liberty we shall also lose our independence; and when our Congress determined to support our armies by impressment, gathering supplies wherever they found them most convenient, and forcing them from those whom their agents might choose to take them, in violation of the fundamental principles of our constitution, which requires all burdens to be uniform and just, and paying for them such prices as they choose, they made a fatal blunder which cannot be persisted in without endangering our cause and probably working ruin to our government. . . . The constitution cannot be dispensed with in time of war any more than in time of peace. If it is overthrown we are already conquered. Liberty is lost when a man holds his life, liberty and property, not under the law but at the mere pleasure of another." But the necessities of the government were above even the constitution. The war was on and must be fought out. Better submit to a suspension of the constitution than to the Federal government, which was openly defying its constitution in its efforts to conquer and subjugate the South. "Of what use would a constitution be without a country?" Mr. Lincoln is reported to have remarked, about this time, to one who was concerned for the strict observance of the supreme law of the Union. "First save the country, the constitution will take care of itself." Increasing the difficulties of the Confederacy all the efforts of Mr. Davis for recognition by foreign powers had failed, and he found it necessary to recall the powers with which Mr. Mason, Mr. Slidell and Mr. Lamar had been invested as envoys, respectively to France, England and Russia, and worse than all, a levy *en masse* of the fighting population of the Confederacy, from eighteen to forty-five, was made. The contract between the conditions at the close, and those at the beginning of the year, was very discouraging to the people of the South, who saw that, notwithstanding a great deal of hard fighting and some notable victories, the advantages were with the Union government. During 1862 the Confederate armies had been victorious at nearly all points. They then held the Federals at bay in Tennessee, had defeated them disastrously in Virginia, and they had possession of the Mississippi River. This induced a very hopeful feeling everywhere. At the close of 1863 there was a corresponding degree of depression, which was intensified by the loss of the Mississippi, which divided and therefore weakened the Confederacy.

XX.

RETURNING to the army of Tennessee we find that under the command of General Joseph E. Johnston it was continually employed in contesting the advance of the Federal army under General Sherman until Atlanta was occupied in July, 1864, fighting by the way the battles of Resaca May 14 and 15, New Hope Church May 25 and 28, and Kenesaw Mountain June 22 to July 3. Generals Hardee and Stewart agree that during these operations, although constantly under fire and retreating through what was believed to be that part of the Confederacy easiest of defense, the army attained its highest condition of efficiency. The morale of the troops was superb, and their trust and confidence in the commanding general absolute. His prudence, discretion and skill in avoiding battles save on his own chosen ground and in his own good time, his care of his troops, his almost providential outlook for them, were qualities most prominent in his management of a campaign full of instruction for future generations, did not obscure his alertness, his anticipation of the movements of an adroit, active, intelligent and enterprising enemy, and his readiness to meet that enemy and deliver battle with courage and persistency. It was his intention, he says, after he had compelled Sherman to lengthen his lines from his base of supplies to the most dangerous limit, to attack him from behind the well-constructed fortifications around Atlanta, and make a desperate effort to annihilate or rout him. But the people lead by the politicians became impatient of his plan and the influences for his removal from command, which had been growing every day as he fell back from point to point, prevailed with the president, who, as he himself says, yielding after he became satisfied from answers by General Johnston to categorical questions, that even Atlanta would not be held under certain contingencies, ordered him to turn over the command of the army to General Hood, then commanding one of the corps comprising it. It was a momentous step to take in face of the enemy, and especially in view of the condition of the Confederacy — its almost exhaustion of men, money and means — and the number of well appointed armies the enemy had in the field threatening the few remaining strongholds of the Confederate government. It was a step that cost President Davis, as he himself has told, a great deal of grave anxiety, and in making it he hastened to explain in council with General Hood and General Beauregard, then in command of the West, in which Hood was to operate, his plan of a campaign against Sherman, which so far as it was afterward tried, was successful, but which was changed when Hood arrived at Gadsden, Ala. Forrest, who after he had emerged from West Tennessee so well equipped, had been made a major-general in the regular army of the Confederacy, had in January been appointed to the command of all the Confederate

forces in the district of North Mississippi and West Tennessee, which was named "Forrest's Cavalry Department." It embraced all of West Tennessee and the whole of North Mississippi down to the counties of Monroe, Calhoun, Chickasaw, Yallobusha, Tallahatchie and that part of Sunflower and Bolivar lying north of a line drawn from the southeast corner of Tallahatchie county to the town of Prentiss, on the Mississippi River. Securing arms and ammunition he put his command into a thoroughly effective condition for active service, and an effective defense of his department. Resolute, tireless, aggressive and irrepressible he was not a man to sit down and wait for the operations of the enemy, he organised his force into four brigades under Richardson, Bell, Jefferey and McCulloch, the brigades of the latter two forming a division under the command of General Chalmers. These preparations and the details of his staff being completed, General Forrest established his headquarters at Oxford, Miss., the most central point, where he might watch the operations of the enemy who shortly moved upon him from Vicksburg and Memphis in two well appointed columns. These he encountered successfully, sweeping everything before him with an irresistibly destructive energy and determination, his troops performing prodigies of valor as they everywhere encountered greatly superior forces. He captured among other places, Fort Pillow, after a most obstinate defence by a heavy garrison of negro and white troops. He also prevented the Federal forces in Vicksburg from aiding and succoring the expedition under Canby that was then besieging Mobile and he kept his two divisions up to something like their normal strength by recruitment and conscriptions in West Tennessee, making his headquarters at Jackson for that purpose for a time. General Forrest also made a raid into Memphis which he had so often threatened as to keep the successive Federal commanders in constant apprehension. He organised for this raid after he had reached the conclusion that he could not any longer in the open field successfully dispute with General A. J. Smith that officer's passage through Mississippi at the head of a Federal force variously estimated at from 15,000 to 20,000 men, 12,000 to 16,000 infantry and from 3,000 to 4,000 cavalry. The main body of this well equipped army was encamped at Lumkin's Mill, one mile north of Waterford, the advance consisting of two brigades being stationed at Abbeville, where it had been attacked and thrown into confusion by General Chalmers division on the 15th of August. This was but a repetition of many gallant encounters, all of which resulted in the Confederates falling back on Oxford. Learning from his scouts on the morning of the 18th that the Federal commander had re-built the railroad to Abbeville, collected supplies of subsistence and forage, and laid a pontoon across the Tallahatchie River with a purpose to concentrate his whole force at that place, with a view to serious offensive movements beyond, General Forrest resolved upon a countermovement that would compel Smith to follow him. He determined to lead

a picked detachment of his command and by a sudden *coup de main* threaten, if not capture, the city of Memphis. After consultation with General Chalmers, his brave and faithful lieutenant, General Forrest gave orders for the expedition which was composed of detachments of Bell's and Neely's brigades and a section of Morton's artillery under Lieutenant Gale, making a total of 1,500 picked men, who, with their horses, were carefully inspected before marching. This force, scarcely equal in numbers to a brigade, moved promptly at five o'clock of the evening of the day of its organisation (the 18th), and notwithstanding the muddy, slushy roads, consequent upon the heavy rains of that and several days previous, marching all night, it reached Panola at seven o'clock the next morning. Here another inspection of men and horses was made, which resulted in some of the artillery and one hundred men and horses being sent rearward to Grenada. Resuming the march the same day at ten o'clock, over roads knee deep with mud and water, by the time the command reached Senatobia, twenty-three miles north of Panola, Forrest saw that his animals were so distressed, it was prudent to go no farther that day. Refreshed by rest, the column took up the line of march on the morning of the 20th, crossing Hickahala Creek and Cold Water River on improvised pontoon bridges, and reached Hernando, twenty-five miles from Memphis, before nightfall. "Forrest was here met by some of his scouts,[1] who had left Memphis that morning with accurate information as to the position and strength of the Federal troops in and around the city,[2] where all was quiet, and without the least expectation of the impending attack. Halting at Hernando but a few moments, the column took the direct road to Memphis; but so deep was the mud and so great the fatigue of the animals that it was quite three o'clock on Sunday morning, the 21st, before the advance had arrived at the outskirts of the city. Directing his force to be closed up, and summoning his field officers to the front, General Forrest gave to each definite and comprehensive instructions as to what he expected of, and the duty assigned them, and at the same time the necessary guides were distributed. The most rigid silence was enjoined until the heart of the town was reached and the surprise had been accomplished. To a company commanded by Captain William H. Forrest was given the advance, with the duty of surprising, if possible, the pickets; after which, without being diverted by any other purpose, he was to dash forward into the city, by the most direct route, to the Gayoso House, to capture such Federal officers as might be quartered there.[3] Colonel Neely was directed to

[1] From the "Campaigns of General Forrest and Forrest's Cavalry," pages 536 to 538.

[2] Later, when within ten miles of Memphis the general received from citizens further information in regard especially to the location of the prominent officers, and at Cane Creek, four miles from the city, some of Henderson's scouts reported 5,000 troops in and around the city, most of them negroes and 100-day men.

[3] Major-General Hurlbut was known to lodge at that hotel, with a number of Federal staff officers.

attack, by an impetuous charge, the encampment of the one hundred day men across the road on the outskirts of Memphis, with a command composed of the Second Missouri, Lieutenant-Colonel McCulloch; the Fourteenth Tennessee, Lieutenant-Colonel White; and the Eighteenth Mississippi, Lieutenant-Colonel Chalmers. Lieutenant-Colonel Logwood was to press rapidly after Captain Forrest to the Gayoso House, with the Twelfth and Fifteenth Tennessee Regiments, placing, however, detachments to hold the junction respectively of Main and Beal, and Shelby and Beal streets, and to establish another detachment at the steamboat landing at the foot of Union street. Lieutenant-Colonel Jesse Forrest was ordered to move rapidly down De Soto street to Union, and thence leftward along that street to the headquarters of General Washburne, the Federal commander, whose capture it was his special duty to make. At the same time, Colonel Bell held in reserve, with Newsome's and Russell's regiments, and the Second Tennessee under Lieutenant-Colonel Morton, with Sale's section of artillery, was to cover the movement. These dispositions and orders having been made, the several detachment commanders re-joined their troops, formed them immediately into columns of fours, and at about quarter past three A. M. Captain Forrest began the movement. It was still very dark; the night having been sultry and damp, a dense fog had been generated, which enshrouded the whole country to such a degree that neither man nor horse could be distinguished at the distance of thirty paces, as Captain Forrest moved slowly and noiselessly across the bridge at Cane Creek. But, anxious that no misconception of orders should mar the success of the operation, the Confederate general halted his column, after it had moved about half a mile, and dispatched his aid-de-camp, Captain Anderson, to see that each officer understood precisely and clearly the duty that had been specially intrusted to him for execution, and to ascertain, moreover, whether each command was well closed up. That efficient staff officer, not long absent, making a satisfactory report, General Forrest gave orders for the movement to be resumed at a slow walk." Leaving the column on the march we shall take a look into the city so close to a great danger. It had been made a garrison and great military depot, and an immense quantity of stores of all kinds and munitions of war had been accumulated in the several military store-houses. The population, full 40,000, was more than one-half made up of business men, adventurers and camp followers, who had flocked to it from the West as to an *El Dorado*. There was very little legitimate business transacted. What there was, was chiefly if not altogether with the people who were residing in the city, and therefore within the military lines. Trade with the country was restricted, and often by conflicting orders from the treasury department and the military headquarters. At the best it was precarious and depended upon the whim and caprice of arbitrary commanders or provost marshals. This necessarily led to a great deal of corruption, to evasions and avoidances of both law

and orders by subordinate officers and merchants. Make money was the general motive, honestly if you can, but make money. The Southern people were barred from any participation in this method of trade and traffic by reason of their disloyalty to the Federal government and living quite retired and apart and within themselves, held aloof from business. Fortunes were being made by a few, but by far the greater number of the merchants found that the corruptions they were compelled to resort to, to do any business at all, ate up more than the profits and left them the prey of detectives, who were merciless and insatiable. At one time it was an easy matter, with the connivance of officers in the military service of the Federal government, to purchase and send out gun caps, sabres and pistols, as well as grey cloth for uniforms, and boots and shoes by steamboat loads. This became so notorious that stringent orders were issued to suppress it. A man named Smith, who had been a conductor on the Memphis and Charleston Railroad, was arrested by the pickets some distance from the city, driving a two-horse farm wagon, with a false bottom packed with caps enough to supply a division. He was tried by court-martial and hanged. But this, which was merely a momentary sensation in the exciting life of the time, had no deterrent effect. The stream closed over the dead man and ran as swiftly on its way as ever. Men easily compounded with their consciences, pleading that this was a free country and they were free men, and they were under no obligations to the military authorities, and would therefore violate their orders at pleasure. The atmosphere, very unwholesome, was such as arbitrary government always begets, whether in or out of Russia. A few of the military and treasury officials made no scruples about sharing with the merchants in their often extortionate profits, and both robbed the poor farmer who was permitted to sell his cotton in the city. At one time the treasury became the general buyer of cotton, monopolised the business, and weighed and sampled the bales after a fashion that was even under the then existing circumstances disgraceful. Frequent changes by military and treasury departments, and the extortionate demands and deliberate robberies of some favored merchants and officials, destroyed everything like legitimate wholesale trade, and speculation and gambling was rife. All was hurry and excitement, and apprehension; exaggeration, deceit and lying alternated for supremacy in the breasts of one-half the population. But panic was close behind this peace, this mob, which an order of a few words could depress to the depths of despair, or elate with a hope that no adjectives could adequately color. Such was the character of the trading and imported portion of the population of the city[1] to

[1] So far as security from attack by a Confederate force was concerned, they felt safe. No one of them ever dreamed of even the daring Forrest entering the city and holding it at his pleasure, for a moment. "Memphis[1] was apparently secure in the protection of Uncle Sam's forces. At the Navy Yard lay two of our strongest iron-clads, the *Louisville* and the *Essex*.

[1] A. W. Pearson, U. S. N., attached to the United States steamer *Red Rover*, of the Mississippi iron-clad squadron.

which General Forrest was marching, the general whose name was a terror in all the country west of the Tennessee River, where he never had met a Federal force except General A. J. Smith's, save to defeat and route it. Quite sure of himself he was equally sure of his men, and especially so of those who were serving with him on this expedition, many of whom were natives or had been citizens of Memphis. Filled with enthusiasm at the prospect of once more seeing their homes, even though it was attended with some risk, the men in the advance, under Captain Forrest, could with difficulty be restrained; and when they heard him answer the quick challenge of the sentinel, they became more than ever eager for the encounter. "Who goes there?"[1] was suddenly heard to break the stillness of the morning hour, as also the Confederate captain's cool and prompt reply: "A detachment of the 12th Missouri Cavalry, with rebel prisoners."[2] The rejoinder came, "advance one," when Captain Forrest rode forward in person, having previously, in a low tone, directed his men to move slowly but closely behind him. Meanwhile, General Forrest, with his escort, moving with the head of the main column, was but one hundred paces rearward, with not a little anxiety, heard the challenge, as also some moments later, the sound of a heavy blow, followed soon by the discharge of a single gun. Captain Forrest, it seems, as he rode forward, met the Federal picket, mounted, in the middle of the highway. As soon as he was within reach of the unsuspecting trooper, the Confederate officer felled him to the ground by one blow, with his heavy revolver, while at the same instant his men sprang forward and captured the picket post of some ten or twelve men—dismounted at the moment—a few paces to the rear of the left of the highway, without any noise or tumult, except the discharge of the single gun, heard, as we have

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The heavy guns of Fort Pickering commanded the city from the Southward, and the main approaches from the East and Northeast were held by numerous regiments of cavalry and infantry there encamped. Surrounding conditions seemed assuring of safety, and even had the citizens surmised the proximity of a foe they would yet have deemed their defences adequate against the attack of any Confederate force then existing upon the soil of Tennessee. But there was no suspicion of danger; business and pleasure went on their usual round; merchandising flourished; the neighboring farmers daily hauled in their produce for trade; peace seemed predominant; they had almost forgotten that grim-visaged war had not yet smoothed his wrinkled front, and if on Saturday evening any uneasy Jeremiah had ventured to predict the catastrophe of the coming day he would have been laughed at as a lunatic. The city was then the depot for vast stores of war material, and the site of numerous hospitals yet populous with the woful consequences of our civil strife. The major-general commanding the department had dispensed with the austerities of camp life, establishing his headquarters in a commodious city residence. Many subordinate officers had followed his example, and either kept house like private citizens or boarded at the elegant Gayoso Hotel, located in the Southern suburbs, close under Fort Pickering's guns. Such was the status on Saturday evening, August 20."

[1] From "The Campaigns of Lieutenant-General N. B. Forrest, and of Forrest's Cavalry," 1868, from page 539 to 547.

[2] This particular regiment was designated because it was known to the Confederates to be one of those then absent from Memphis, in the field, with General Smith.

said, by General Forrest. Sending his prisoners immediately to the rear Captain Forrest pressed on for a quarter of a mile, when he encountered another outpost, which greeted him with a volley. The daring Confederates dashed forward, however, and scattered the enemy in every direction; but, unhappily, forgetting the strict orders to be as silent as swift in their operations, shouting lustily. The contagion spreading, the cheer was taken up by the whole column which was now roused to a state of irrepressible eagerness for the fray. By this time the head of the column was within a few paces of the Federal camp, on the outskirts of the city; day was breaking, and a long line of tents were visible, stretching across the country to the eastward and westward of the highway for nearly a mile. The alarm having been given, and the orders prescribing silence generally forgotten by his men, General Forrest directed the ever-present Gaus (his bugler), to sound the charge, and all the bugles of the several regiments took up and repeated the inspiriting notes. Another cheer burst forth spontaneously from the whole line, and all broke ardently forward in a swift, impetuous charge. Two only of Neely's regiments charging into the encampment eastward of the road, the way for some moments, was obstructed by another of his command, so that Logwood was unable to push on and enter the city as soon as had been expected. Moreover, in making the attempt to break through, his men became intermingled with those of Neely's regiment, some confusion resulted, for the greatest exultation now prevailed among the men. Meanwhile Captain Forrest charging rapidly down the road toward the city, with his little band (some forty strong), encountered an artillery encampment eight or nine hundred yards beyond the infantry cantonment. Sweeping down with a shout, and a volley from their pistols, the Confederates drove the Federals from their guns (six pieces), after killing or wounding some twenty of the gunners. This effected, they pressed forward into the city, and did not halt until they drew rein before the Gayoso Hotel, into the office of which Captain Forrest and several of his companions entered, without dismounting; and in a moment, his men spreading through the corridors of that spacious establishment, were busily searching for General Hurlbut and other Federal officers, to the great consternation of the startled guests of the house. Some of the Federal officers, roused by the tumult, rushing forth from their rooms, misapprehending the gravity of the occasion, offered resistance, and one of their number was killed, and some others captured, but Major-General Hurlbut was not to be found. Meanwhile Colonel Logwood having broken through the obstructions in his path, with a large portion of his command, found a formidable line of Federal infantry drawn up facing the road on his right, or eastward, which opened a warm musketry fire upon the head of the Confederate column. Ordered to push on into the heart of the city, without halting to give battle on the wayside, Logwood, placing himself at the head of his men, pressed onward for some

distance, running a gauntlet of small arms volleys, until a turn of the road brought him in the presence of a line of infantry directly across the way, and sweeping it with their fire. There was a fence on the one hand, a broad, deep ditch on the other. Unswerved, on rushed the Confederates with their well known yell—the men with their rifles poised as so many battle maces, and their officers, sabre in hand, burst through the opposing ranks. Hastening onward, a battery was seen to the left, but commanding a straight reach of the road ahead, and the gunners of which were busy charging their pieces. In view of the danger his command incurred from this battery, Logwood was obliged to charge and disperse those who manned it; and giving the command to charge, again his men clubbed their rifles, and with a shout, swooped down upon their luckless enemy, a number of whom were knocked down at the pieces, while the rest were driven off before they could fire a gun.[1] Resuming his charge towards the city, Logwood, in a few minutes, entered and galloped down Hernando street to the market house and up Beale to Main street and so on to the Gayoso House on Shelby street. The men now wild with excitement, dashed forward at a run, shouting like so many demons, regardless of the fire opened upon them by the Federal militia from windows and fences. The women and children, and some men, were screaming or crying with affright, or shouting and clapping their hands, and waving their handkerchiefs with joy as they recognised the mud bespattered uniforms of the Confederate soldiery in their streets once more. Soon, indeed, the scene was one of memorable excitement. Memphis was the home of many of those grey-coated young raiders who thus suddenly burst into the heart of the city that August morning. The women, young and old, forgetting the costume of the hour, throwing open their window-blinds and doors, welcomed their dear countrymen by voice and smiles, and every possible manifestation of the delight inspired by such an advent. Reaching the Gayoso finally, Colonel Logwood completed the search of that hotel for Federal officers, after which, collecting his men in hand as soon as possible, he began to retire by Beale street, about nine o'clock, as it was learned through scouts that a strong Federal force was being rapidly concentrated upon that point. During this time it will be remembered, Lieutenant-Colonel Forrest also had been ordered to penetrate the city. Speeding with his regiment towards the headquarters of Major-General Washburne, on Union street (opposite Third), he reached the point without serious resistance, to find, however, that the Federal commander had flown, but several of his staff officers were captured before they could dress and follow their fleet-footed leader. Meanwhile Neely had met serious resistance in the execution of his orders. The infantry, at least one thousand strong, which it was his duty to attack, as we have seen, had been formed in line in time to

[1] This, doubtless, was the same battery encountered and taken previously by Captain Forrest, which was re-manned after he had passed.

receive his force with a warm fire of small arms. Seeing this check, General Forrest, who had remained with the reserve under Colonel Bell, led them rapidly by the right flank to reinforce Neely; but on the way developed a cavalry encampment just eastward of the infantry, from which the Confederates were received by a heavy fire. Being in advance, as usual, Forrest charged promptly with his escort over intervening fences and through some gardens, dispersing the dismounted occupants of the encampment and capturing nearly all their horses, with a number of prisoners, Neely at the same time making a vigorous onset upon the infantry succeeded in driving them, with some loss, from their position. Whereupon they and the dispersed dismounted cavalry took refuge in the extensive brick buildings of the State Female College, several hundred yards distant, a strong, defensive position. Followed by the Confederates, the enemy poured a noisy and annoying fire from behind the cover afforded by the college. At this Forrest ordered up Lieutenant Sale with the artillery, and dismounting some of the troops, made an effort to dislodge the Federals, and an animated skirmish ensued. A number of shells were thrown and exploded in the main building; but it soon became apparent the position was only to be gained at a loss far greater than was required for the success of the expedition, and the attempt was not made. Finding that the enemy was rapidly rallying and assembling, Forrest had previously ordered the troops to evacuate the city, and concentrate at the Federal infantry camp which we have mentioned. This order found the Confederates greatly dispersed and widely spread over the city, many with the hope and object of meeting and greeting friends and kindred; but for the most part, intent upon the discovery and appropriation of horses. Few, indeed, retained their regimental, or in fact, company organizations.[1] As soon, however, as they could be collected and Lieutenant-Colonels Logwood and Forrest having effected a junction on De Soto street, they moved out together, but encountered a strong body of infantry formed across the road, near Provine's house, as a support for the battery there — the gunners of which had twice been dispersed — was found re-manned once more, and commanding the road. A warm collision occurred, in the course of which Captain Peter Williams, Fifteenth Tennessee, charging the battery with his company (I), was in turn charged and driven back; but reinforced by Company H, Lieutenant Witherspoon, of the same regiment, the battery was again charged and taken,[2] Colonels Logwood and Forrest then hastened to rejoin their commander, as directed. As all the Confederates were now withdrawn from the city, except some

[1] They scattered through the city, some of them riding as far as Poplar street, and one of them, Ed. Stokes, of the Bluff City Greys, was killed at the corner of Third and Jefferson streets, while making a tour through streets familiar to him, and Jack Wilson and Harry Rhodes were wounded. They belonged to Lieutenant Jackson Doyle's command.

[2] Captain Williams had his arm broken in the affair.

stragglers, and those who had been captured or killed, General Forrest gave orders for the whole force to withdraw. The object of the expedition having been in the main attained by the confusion and consternation into which the garrison had been thrown by his operations of that morning, it only remained, to secure the entire success of Forrest's plans, that General A. J. Smith should receive as early intelligence of the occurrence as practicable, and therefore he retired to give General Washburne leisure and opportunity to telegraph the menacing situation at Memphis, and to ask for succor, which it was felt assured he would do. Meanwhile, some of the Confederates who had lingered in the city, or had lost their way in the general dispersion which occurred, were chased out by a body of several hundred Federal Cavalry, a strong detachment of which made a dash at some of Forrest's men still in the infantry camp, and just in the act of mounting. Seeing their jeopardy, Forrest sprang forward with a few men of the ever reliable Second Missouri, that happened to be most convenient, and a close, sanguinary collision took place. Among the slain was Colonel Starr, of the Federal army, who, while urging his men to the attack was mortally wounded by the hands of the Confederate leader himself. With this affair the contest ended and the Confederates moved back southward on the Hernando road for about a mile, when they were halted, and directed to exchange their jaded horses for those captured in the city, some four hundred in number. Six hundred prisoners, including some citizens that had been captured, marched with the column to Cane Creek, whence a flag of truce was sent back by Captain Anderson and a captured staff officer to propose an exchange, as many of them were shoeless and hatless. General Washburne declined the exchange, but sent out some clothing, which was distributed to the half-naked prisoners, which done they were examined by surgeons and 400 able-bodied were mounted on the led horses to accompany the command to Hernando. The rest were paroled and turned adrift to find their way back to Memphis as best they could. Subsequently General Forrest notified General Washburne of his inability to feed the prisoners, and asked for food for them until he reached Hernando. This request also was complied with, and liberally, so that after distributing two days' rations to the prisoners there was enough left to supply the whole command for a day. After a night's rest at Hernando the column pushed on to Panola where, with his staff and escort, and the section of Morton's battery that had been with him, General Forrest took a train and went down to Grenada where he fixed his headquarters for a time, "the several commands that had accompanied him to Memphis" joining their respective brigades as soon as possible. Thus ended one of the most hazardous, and one of the most fruitful of General Forrest's enterprises, enterprises by which he accomplished for two years or more the work of a well equipped army. His prudence and prevision, his celerity and utter fearlessness, which made him a terror to the enemy,

won for him from the men who served under him the title of "the Wizard of the Saddle," and secured the special thanks of the Confederate Congress for him and for his troops — thanks for "the brilliant and successful campaign in Mississippi, West Tennessee and Kentucky — a campaign which has conferred upon its authors fame as enduring as the records of the struggle which they have so brilliantly illustrated." The night following Memphis was pretty throughly on the *qui vive*. The citizens who had slept through the whole affair only became frightened as night came on, slept, figuratively speaking, on their arms, if they slept at all, and the next morning zealously seconded the authorities in rapid preparation for the future security. A sort of home guard was organised to co-operate with the troops in garrison, and the understanding was propagated that should alarm be given by the firing of a signal gun all capable of bearing arms were to prepare to appointed stations, ready to strike for their altars and their fires. "Monday was passed in these belligerent arrangements, and the denizens of the devoted city retired to rest at night impressed with a sort of general presentiment that — to use the expression of Mrs. Partington — 'Every minnit might be the next.'[1] The morning of Tuesday, August 23, rose bright and peaceful, and at eight bells I was enjoying my usual promenade on deck, when from a direction southward of the city came the sound of a prolonged and rattling discharge of musketry. Presently, bang! went the signal gun. To this startling monition succeeded a confused rumbling and murmur in the bowels of the town, reminding one of the sounds emitted by a bee-hive, after it had received a kick. The noise fast swelled into a tumultuous roar like a coming tornado, I gazed anxiously up the levee, wondering what sort of a cataclysm was at hand, when from the various streets opening toward the river a living tide rolled forth. From my position I could look directly up the broad avenue leading past the southern side of the navy yard and down that long declivity there swept a torrent of humanity and its concomitants, which, in headlong impetuosity rivaled Niagara Rapids. On they came — men, women, and children, dogs, darkeys, horses, cattle, hacks, drays, steam fire engines and wheel-barrows! The whole multifarious concatenation of movables contained within the city limits seemed bent on an unanimous hegira. It was a human stampede, a *sauve qui pent*, in which all appeared intent upon the Frenchman's prescription: 'Everybody take care of myself!' There was a regardlessness of surroundings, a sort of somnambulism of terror, which was a curious study while it lasted. Directly abreast of the *Red Rover* was a deep gully across the road along the river bank, spanned by a bridge which had been recently crushed down so as to be impassable for teams. Toward this the horses lashed to a gallop, rushed a hack. The driver saw he could not cross,

[1] Letter of A. W. Pearson, U. S. N., attached to the United States steamer, *Red Rover*, of the Mississippi iron-clad squadron.

sprang from his seat, cut traces and breast-straps to set the horses adrift, then dashed across on foot, seized a plank lying at the edge of the water, launched it, sprang on it, paddled himself across the mouth of Wolf River and plunged into the bushes on the other side. All this was with a savage concentration of energy which proved him oblivious to everything but the instinct of self-preservation. Along the river front lay several large steam transports, and the multitude debouching from the streets swarmed on board until decks and guards were jammed with people. One officer fleeing from the ill-fated Gayoso House jumped on board a steamer, pitched sword and cap into the stream, hid his uniform coat beneath a mattress and would doubtless have divested himself of his blue unmentionables but for chivalrous regard to the delicacy of the other sex, representatives of which were there also. The steamboats backed out into the middle of the river, where they floated like so many human hives. From hurricane deck to gunwale there was no space upon which foot could stand or to which hand could cling which was not pre-empted by somebody. They looked like a vast excursion party bound for some monster picnic. Meanwhile I watched the openings of the streets, expecting each instant to see the sabres of Forrest's cavalry flashing in the rear of the procession. But these avenues of escape at last emptied themselves of everything which had legs, and no pursuers appeared. Then came another rattle of musketry from the southward. Bang! went the signal cannon again! The heavy ordnance of Fort Pickering opened fire, throwing shells screaming over the river into the Arkansas woods. Then the steamers struck up a concert of steam whistles and tooting calliopes; the multitude yelled and shouted and Bedlam seemed broken loose. During all this while the navy was not idle. Our firemen raised steam until the old *Red Rover* fairly sissled. As I heard the breath of the giant which fire frees from water, whistling and screeching up the 'scape-pipe, I began to feel somewhat light-footed, in anticipation of a rise. We were largely patronised by the visiting public, and received with slight discrimination as to character. Among our city friends was suddenly developed a singularly unanimous aquatic taste. While we were making things ready for action drays and hacks arrived, bringing the treasures of the banks, paymasters, quartermasters, etc. Jewelers and watchmakers brought such of their bijouterie as could be snatched in haste from their show-cases, and I was made custodian of more cash and its equivalents than I shall take charge of again. I stuffed my safe full, then my bureau drawers, and finally piled up the surplus on my bed. Placing a sentry in my room to guard things, and providing him with a bottle of whisky to keep him honest and contented, I locked the door on him, and hurried on deck again to watch the progress of events. The iron-clad *Louisville*, in charge of the commandant of the station, was steaming slowly down the river to reconnoitre the shores below the fort. Soon her nine-inch Dahlgrens woke the echoes as she shelled the woods. Then there was an erup-

tion of artillery from Fort Pickering, and again the steam whistles burst forth in an irrepressible screech of terror. The excitement was becoming painful, and yet the enemy had not appeared. It was now toward the middle of the day, and as people will at last get used even to being scared, there came a kind of lull. I scanned the length of Front street with my field-glass and could not discern any signs of life or danger. That usually populous thoroughfare was deserted. All the people of the city seemed to be assembled as near the river's edge and as close under our guns as they could crowd, and stood gazing disconsolately out at their more fortunate fellow towns-folk securely floating on the broad expanse of the Mississippi, with something of that sad sense of non-come-at-ability with which the ancestors of some of them once peeped over at the promised land. By this time curiosity began to get the better of timidity. The foe was yet invisible and I desperately determined to risk my mortal carcass on shore—at least as far as our naval hospital, where I knew there must yet be some occupants (if only cripples and nurses) and try and find out what was the matter. So I skirmished through a crowd of colored people upon the levee, who gaped in amazement on perceiving my intention to 'go up dar all alone,' and passing along Front street had nearly gained Hospital Pinkney when an orderly came up galloping from the northward. I hailed him for information. He called out that the 'pickets northeast of town had just been driven in,' and on he went. Just then there was another loud rattle of small arms from the original quarter and on I went also, but it was on my line of retreat; not, however, at the impetuous pace which marked my progress two mornings previous, but with a sort of air of business haste, as if I had forgotten something and was going back for it. The 'eyes of Memphis' were upon me. Waiting awhile, as all seemed quiet, I ventured forth again, taking along, to cover appearances, a bundle of official papers to make my shore observers believe that this was what I had returned for. I gained no information at the hospital, and concluded to extend investigation as far as the Gayoso House. On the way thither I met a general officer, the late Major-General Hurlbut, since United States Minister to Peru, of whom I had some slight knowledge. He had arrived at the hotel the evening previous, on his route to another command. Saluting, I ventured to inquire the meaning of all this rumpus. He informed me that he had just resolved to sally out with a few of his staff in quest of some solution of this unaccountable alarm. Headquarters, catching the inspiration of the popular exodus, had again vamoosed to Fort Pickering, and there had as yet been no news from that direction. I returned to Hospital Pinkney and found the astounding intelligence was being disseminated that the Confederate Generals Dick Taylor and Kirby Smith had arrived on the opposite bank of the river with ten thousand men, that they were preparing to shell the city, and had sent a flag of truce to the edge of the woods. This signal of amity, by the aid of numerous spy-glasses, was to be seen waving just in the

skirt of the underbrush. If the statement had been made that the Emperor Napoleon, with his Old Guard, was on the Arkansas shore, and proposed to charge across the Mississippi River dry shod, it would have been no more preposterous and just as plausible. It is illustrative of the frightful condition of obfuscation then prevailing that this news was credited. The quartermaster's tug was manned, with several prominent army dignitaries, and, with a white flag flying at the prow, she steamed across the river to negotiate. To obtain a clear view of this momentous procedure, some of us ascended to the summit of the building, whence the memorable spectacle was spread in all its interest beneath us. There rolled the majestic river, there steamed the tug, freighted with the destiny of Memphis, and bearing high aloft the sacred harbinger of peace, while far in the dim distance, beneath the frowning shadow of the forest, could be descried the faint and fluttering signal of the foe. The tug landed. The official embassy mounted the steep shore and entered the woods. Watching with breathless interest we finally saw our friends reappear unharmed. The tug steamed slowly back, but she no longer displayed her flag of truce. We hastened to the wharf, burning to learn the first intelligence of our fate. Our ambassadors brought the soothing information that the Confederate host was nowhere to be found, and that the flag of truce proved to be an old brindle cow with a white tail. Pasturing in the bushes she had occasionally given her caudal appendage a flirt to switch off the mosquitos. The day was now declining and all hands had gotten pretty tired of waiting for the devastation to begin. The steamboats returned to the wharf and disembarked their swarms of guests; the multitude sneaked back to their domicils, and I sneaked back to the *Red Rover* to unlock my treasure chamber and restore its contents to the rightful owners. I found my bottle of whisky empty and its guard asleep. He was, perhaps, the only soul within sound of the signal gun of Memphis who had passed a quiet, sane and satisfying day. By sunset the disturbed city was again at peace. When we did at last reach the bottom facts and fathom the solution and initial clue to all this reign of terror, we found that it was caused by the doings of a regiment of colored troops which was encamped south of the town, and had that morning marched out into the woods to drill. The colonel had taken a fancy to practice a little firing by file. Their first rattling volley had started the alarm, and they continued blazing away in utter ignorance of what splendid execution their blank cartridges were making. The real responsibility for the false alarm rested with the captain of the signal gun. Hearing the musketry he had jumped to the conclusion that it was the beginning of another Confederate attack. For the citizens of Memphis it was not a false alarm. It was the warning of danger definitely concerted and agreed upon, and when it smote their ears they were justified in assuming that the enemy was again at hand." Memphis in a week after the raid had recovered herself, and the trade of swindling the government and the farmers was taken up and continued.

Provost-marshals and their subordinates were cajoled or bribed, treasury officials were stringent or lenient in proportion to the bribes they received, money was abundant, the speculative fever ran high, and gambling in all its forms was making its own way unopposed. A festering and contagious corruption prevailed and but few in Federal favor escaped its taint. Degradation flaunted itself in the day time on the principal streets, and it was a conviction among all the camp followers and soldiers who lived amid this license that every man and woman had their price. They had been so long in the habit of unrestrained self-indulgence, and were so deep in infamy, they could not remember even the virtues and the chastity of the homes they had left. The experiences of Memphis during the Federal occupation were bitter beyond belief, and the humiliations put upon her citizens were some of them as brutal as they were causeless and wanton. She was a conquered city, and her citizens, such of them as remained, were in their own homes by permission, seemingly in the Federal view as suspects; but this did not justify the extremities of petty and exasperating annoyances, the denial of any rights whatever but that of merely living, a compulsory restraint being put upon every man and woman who desired to earn a living, and pursue any avocation for profit or for gain.

XXI.

HAVING thus accomplished his purpose of preventing an invasion of Mississippi by General A. J. Smith's force, General Forrest made an expedition into Middle Tennessee with a view to the breaking up of General Sherman's communications; and in twenty-two days he recruited 1,800 men, captured 100 wagons, eight pieces of artillery, 900 horses and mules, 3,000 stand of small arms and accoutrements, with immense quantities of medical, commissary and ordinance stores, destroying 100 miles of railroad track, 16 bridges, many block-houses, and killing and capturing or wounding 3,500 of the enemy, at a loss of only 300 killed, wounded and prisoners. This was followed by an attack upon, and the destruction of, an immense accumulation of stores at Johnsonville, and the capture of one gunboat and three transports on the Tennessee River. Returning from this singular field of adventure, General Forrest was met with orders from General Beauregard to join the army under General Hood, at Florence, Ala., where it was encamped, awaiting his arrival to proceed upon the fatal campaign, which, in the "Campaign of General Forrest," is described as a movement which "looked like the desperate venture of a desperate man." The same work, however, describes the troops as in fine spirits, but the regiments attenuated to an unpromising degree, yet there was no faint-heartedness, but on the contrary an evident desire to go forward and fight it out. Arrived at Florence, General Forrest took command of all the cavalry of the

army—numbering over 5,000 effectives—and operated with great success in the advance and at all the subsequent battles. After Forrest's preparations had been completed, Hood took up his line of march and moved rapidly to Pulaski and Lawrenceburg, in the hope of capturing their garrisons; but a cavalry attack on the latter place gave the Federals notice of the movement, and they retreated from both places to Columbia, where Schofield was with the main body, which was in turn evacuated and a line of retreat taken up by way of Spring Hill and Franklin to Nashville, where Thomas had taken command. At Spring Hill there was a serious brush between Cheatham's Corps and the Federals under General Stanton, who commanded the advance of Schofield's army. This affair, as were all the engagements of the army under Hood, was attended with great loss of life—a loss out of all proportions to the purposes had in view. It was a repetition of the tactics which, in Kentucky, at the outset of the war, cost Bragg so much in loss of men and time in his race with Buell for Louisville,[1] and there was about as much to be gained by the one as the other. It was an ill-starred and ill-advised movement, and resulted badly from the first, despite the superhuman efforts of the officers in command, and the superb courage of the men, who were eager to meet the demands of a desperate fighter, whose misfortune it was to be out of humor with the troops from the start, and to be questioning their *morale* every day, notwithstanding the undeniable proof they gave as often as they encountered the enemy that it was equal to their bravery, and the alacrity and celerity with which they obeyed every order; and neither of these was ever questioned by other commanders. The escape of the enemy from Lawrenceburg, Pulaski, and Columbia, was not calculated to reassure General Hood as to the good disposition of either officers and men, and the result was the battle of Franklin, into which pique and pride entered as larger quantities than discretion or judgment, though once in the fight these qualities were not wanting. This battle of Franklin is considered by many to have been the greatest mistake of a useless campaign—the chief blunder of a great blunder. It followed upon the very stubborn though brief contest at Spring Hill, the day before, and resulted in a loss so dreadful as to amount to a massacre. Over 6,000 Confederate soldiers were killed, wounded or missing; and the number of general officers killed was greater than at any battle of the war on either side, includ-

[1] General Richard Taylor in his "Destruction and Restoration," says of Bragg's Campaign in Kentucky; "Weakened by detachments, as well as by the necessity of a retrogade movement, Bragg should have brought him (Buell) to action before he reached Louisville. Defeated, the Federals would have been driven north of the Ohio to reorganise, and Bragg could have wintered his army in the fertile and powerful State of Kentucky, isolating the garrisons in his rear; or, if this was impossible, which does not appear, he should have concentrated against Buell when the latter, heavily reinforced, marched south from Louisville to regain Nashville. But he fought a severe action at Perryville, with a fraction of his army, and returned to Central Tennessee."

ing Pat. Clebune, John Adams, Granbury, Gist, Strahl and Carter. The Federals fought behind three lines of breastworks, and with the spirit of desperation. The chagrin and mortification of the Confederate corps and division commanders at the escape of the Federals under Stanton, at Spring Hill, and the fact that Schofield stole past the wearied and worn troops, and got into Franklin in time to unite with that officer and make dispositions for the coming contest, inspired them and their troops with something of the same spirit, and the result was a fight—a hand-to-hand fight—unparalleled by anything in the war annals of America. General John C. Brown's division captured and held part of the intrenchments on the right of the Federal line, but attempts by other divisions to follow his example resulted in the slaughter of the brave men who pressed to the attack with a dauntless and a royal courage that must have challenged the admiration of their opponents. When they first entered the fight on the afternoon of the 30th of November, 1864, it was with all the seeming of the pomp and parade of a gala day. They were formed on the plain at the foot of Winston's Hill, and took up their positions with the deliberation usual at a well-ordered review, and when they were ready moved with the steadiness of veterans, the alignment being such as to excite old martinets to something like enthusiasm. Their march has been well described as a pageant, such was their precision and steadiness on one of the most beautiful and exhilarating days of the year. The air was thin, and the atmosphere unusually clear, so that every regiment and battery was easily distinguished. Not a shot was fired until the troops were upon the enemy, who, quickly recovering from a panic precipitated by the well-directed attack, and from the well-timed effort of General G. W. Gordon to take advantage of a break in their lines on the pike, held their position in spite of the repeated and desperate efforts to dislodge and capture them. The bloody contest—waged for hours—was prolonged far into the night, and firing only ceased towards midnight when the survivors, utterly worn out, threw themselves upon the ground and slept in the positions in which the battle left them. The Federals, taking advantage of the cover of night, stole silently away. They crossed the Harpeth and moved rapidly into Nashville. The Confederates held the field. They had achieved a victory at an awful sacrifice of life; and thus ended the most dreadful of the bloody battles fought during the civil war; the dearest purchased in point of numbers lost that there is any record of.[1] The next morning

[1] General J. E. Johnston, defending the army of Tennessee from the aspersions of General Hood, "who ascribed his invariable defeats to their demoralisation," says, "their courage and discipline were unsubdued by the slaughter to which they were recklessly offered in the four attacks on the Federal army near Atlanta, as they proved in the useless butchery at Franklin." General Beauregard says of the battle of Franklin, that "it was a hard fought battle, but withal a barren Confederate victory." General Dick Taylor says of it that "this mistake may be ascribed to Hood's want of physical activity, occasioned by severe wounds and amputations, which might have been considered before he was assigned to command. . . . It is pain-

after burying the dead, and providing for the wounded of both armies, Hood moved forward to Nashville, Forrest with his cavalry being in the advance and close upon the heels of the enemy, whom he harassed, bearing on his flanks and his rear, until the frowning fortifications that surrounded the State capital were reached. Hood took position about two miles from the city, and at once commenced the construction of defensive works to protect his flanks, the enemy being in possession of Murfreesboro, Chattanooga and Knoxville. Unmindful of the illimitable resources of the Federal government, he "supposed that General Thomas would soon have to take the offensive to relieve his garrisons at those points, or cause them to be evacuated, in which latter case he hoped to capture the forces at Murfreesboro and thus open communication with Georgia and Virginia; and he thought if attacked in position that he could defeat Thomas, gain possession of Nashville with its abundant supplies, and thus get control of Tennessee."[1] Acting on this view he ordered General Forrest, with his cavalry, and Bates's division of infantry, to move against Murfreesboro, and afterward re-enforced them with Sears's and Palmer's brigades. This expedition resulted in the capture of a supply train with 200,000 rations and many prisoners; but Forrest was unable to dislodge the enemy, who, in turn, was unable to prevent him, with never more than 3,500 men, from capturing and destroying sixteen block-houses, twenty railroad bridges, thirty miles of railroad, four locomotives, one hundred cars, one hundred wagons, and capturing 100,000 rounds of ammunition and nine pieces of artillery. Thomas, heavily re-enforced, attacked Hood on the 15th of December, striking both flanks. On the right he was repulsed, but on the left he took and held some of the newly constructed redoubts. This compelled the shortening of Hood's lines

ful to criticise Hood's conduct of this campaign. Like Ney,—'the bravest of the brave'—he was a splendid leader in battle, and a brigade or division commander unsurpassed." In the "Campaigns of General Forrest," it is said that "General Hood was of the belief that the main Federal force was already in rapid retreat, and that the apparent defensive preparations were merely counterfeit, with the view of gaining time to secure their retreat. This conviction he expressed to General Forrest when that officer reported the formidable military resources with which the position bristled. His determination, therefore, was to defeat it by immediately storming the place rather than to turn it. . . . At this day it is scarcely necessary to point out how General Hood could have manifestly gained his purpose better than by storming the position, by a very short detour." Mr. Jefferson Davis, in his "Rise and Fall of the Confederate Government," says that "Hood reports that 'the nature of the position was such as to render it inexpedient to attempt any other flank movement, and I therefore determined to attack him in front and without delay.'" Mr. Davis, commenting on this, says: "It is not quite easy to determine what my gallant friend Hood meant by 'the nature of the position.' . . . Franklin had to us, as a military question, no other value than that the road to Nashville led through it. . . . If he had, by an impetuous attack, crushed Schofield's army without too great a loss to his own, and Forrest could have executed his orders to capture the trains when Schofield's army was crushed, we should never have heard complaint because Hood attacked Franklin; and these were the hopes with which he made the assault."

[1] Jefferson Davis's "Rise and Fall of the Confederate Government."

and the transfer of Cheatham's corps to the left from the right of the army, where it had done such effective work the day before. A general attack was made by Thomas early the next morning; but he was repulsed all along the line until about half-past three in the afternoon, when a portion of the army to the left of the centre gave way, and the result, after some ineffectual but desperate attempts to rally, was a retreat of the whole army in great confusion until Brentwood was reached, when General Stephen D. Lee took command of the rear guard and held the enemy in check; and thereafter the army moved with something like order to the Tennessee River, which it crossed at Bainbridge, General Forrest covering its movements and fiercely contesting every inch of the way with the enemy's much heavier force of better equipped cavalry, which was frequently re-enforced with infantry, in one instance to the number of 20,000 men. The roads, usually in bad condition in winter, were fearfully cut up, and the horses were belly deep in mud, which impeded the movements of the artillery and supply trains and made every mile of the route a special horror for the foot-sore infantry, who waded, barefooted, through the frosted and crystalising slush, the cold rain beating upon their almost unprotected bodies, intensifying the gloom that pervaded rank and file alike. On the 27th of December, Stewart's corps was ordered to recross to the north bank of the river, relieve Forrest's cavalry and hold the enemy in check. A few days after he recrossed to the south side, and the whole army was for the last time on the march southward, and later still, literally disbanded, never to be reorganised.[1] Thus ended the last of the battles fought upon Tennessee's soil during the Civil War. There was some guerrilla warfare, and a few skirmishes by small bodies of cavalry; but this was as the fitful moanings of the wind, that succeeds to a cyclone or tornado. The great tragedy that for four years had held the soil of Tennessee as its stage, and drenched it with the blood of its best and bravest, had closed forever. Henceforth it belonged to history. The actors had disappeared, and only the wreck of the properties remained. The rash venture of a recklessly brave but patriotic general was ended.[2] It began in defeat and resulted in final overthrow. It was a venture whose rashness, against the expressed opinions of the president, and in view

[1] General Joseph E. Johnston, in his "Narrative of Military Operations," says that "in returning from its disastrous expedition against Nashville, the Army of Tennessee had halted in North Mississippi. A large portion of these troops were then furloughed by General Hood and went to their homes."

[2] Romane, on page 321 of vol. 2 of his "Military Operation of General Beauregard," says: "General Beauregard could now realise the full truth of the reported disintegration and confusion of the Army of Tennessee. Very little, if anything, remained of its former cohesive strength. It was not in the strict sense of the word a disorganised mob, it was no longer an army. None seemed more keenly alive to the fact and suffered more from it than General Hood himself." So much so that General Beauregard "had not the heart virtually to disgrace him by ordering his immediate arrest."

of the crumbling resources and failing purses of the Confederacy, is inexplicable, certainly inexcusable. But from the fatalistic standpoint, which is so common a resource when reason fails, it was as well perhaps that thus, in a supreme effort to reassert the sovereignty of the State and vindicate the right of the people to choose their form of government, the Confederate cause should go out in the glory of battle, the sons of Tennessee especially signalising their worth as the descendants of the men who followed Sevier, Shelby, and later still, the immortal Andrew Jackson. The battle of Nashville was the last great effort of men fighting for their homes, and it was an effort worthy of the name and fame they had made from the bleak, cold days of Forts Donelson and Henry in 1862, when they first encountered the enemy upon their own soil, down to the dreadful slaughter at Franklin. Years of discipline, of trial, of hardship, of march and camp, of skirmish and battle, had made them veterans, and they went to the work of death under the shadow of the capital and within sight of its pleasant homes with all the dash and spirit of troops closing a successful campaign. Their ranks wasted, they did not hesitate to encounter an army of double their number, inspired by frequent and recurring successes, and fighting under cover of massive works. But they in vain threw themselves again and again upon the enemy, and with desperate valor encountered the charges of soldiers commanded with consummate skill. Though led by some of the bravest and ablest officers in the Confederate armies, and fought in the most skillful dispositions it was possible to make, they were compelled to give way. They retreated across the State under cover of the cavalry commanded by General Forrest, the greatest of Tennessee's soldiers, crossed the Tennessee River and dispersed. Thus the soldiers of Tennessee closed on the banks of that river a campaign of four years, as they began it on the Cumberland, amid rain and sleet and snow. But though overcome by sorrow and depressed by defeat, they still nursed a spark of hope. Beaten, baffled of their purpose, routed and dispersed, they could not believe that all was lost. To the last they were full of the ardor, enterprise, and spirit, that a hundred years before had signalised their forefathers under Braddock, in "the country of the Illinois," at Heaton's Station and King's Mountain, at Nick-a-Jack, and later at Emuckfaw, the Horse-shoe, at New Orleans, in the jungles, swamps and canebrakes of Florida, at the Alamo, and in Mexico. The heroism of the Volunteer State never shone more conspicuously than during that last effort of her soldiers to recapture the capital; and the superb endurance and moral courage that have signalised our race in all ages were never so sternly tested as on that bleak December day when the Army of Tennessee turned its back forever upon the soil it was mustered to defend. While Hood was making this fatal campaign, General Sherman with his army of 75,000 men, after destroying Atlanta by fire, and the foundries and machine shops at Rome, cut loose from his base of supplies, and marching through Georgia with

only such opposition as the inexperienced, undisciplined, raw, but patriotic militia could offer, reached Savannah on the 10th of December, which he entered on the 20th, after its abandonment by the Confederate forces. This expedition proved that the Confederacy, as Grant about this time was credited with saying, was merely an empty shell, and that the end was not far off. General Lee had still been successful in defending Richmond in a series of engagements that are memorable for the endurance, and steadfastness, and tenacity of an army that had withstood the onslaughts of army after army of fresh levels commanded by able and experienced generals. Elsewhere, too, there had been some signal successes by the Confederates, as in the defence of the coast by Beauregard and the defence of Petersburg towards the close of the year by the same officer with but a mere handful of men. But the want of men and money was sorely confessed so sorely that the employment of negroes as soldiers was seriously discussed by the Confederate Congress. The year closed with the Federals triumphant everywhere, and President Lincoln was re-elected, and with him for vice-president, Andrew Johnson, then military governor of Tennessee, who had made some efforts at reorganising the State government. He began by issuing a proclamation on the 15th of January for the election on the 5th of March in every county "or wherever practicable," of sheriffs, justices of the peace, constables, trustees, circuit and county court clerks, registrars and tax collectors, all voters to take an oath that they would henceforth bear loyal allegiance to the United States and ardently desired the suppression of all those who were in arms and insurrection against the United States. The attempt to act under this proclamation proved a failure, and was followed by another failure in May by certain East Tennesseans at Knoxville, and in June at Memphis. On the 3d of August another attempt was made to reach the same result. On that day a call was issued "by loyal citizens" for a convention to meet in Nashville on the 5th of September for the purpose of taking steps to reorganise the State government. On account of the enterprising Confederate cavalry, which was riding at will through the State, the delegates from the eastern and southern counties were not able to be present, but this did not prevent those who were present from holding the convention, which opened the doors to "all unconditional Union men" to participate in its proceedings. A convention of the people was provided for by this body to revise the State constitution, and it was resolved that the Union people should vote for president and vice-president in November, and that the electors should be free white men, for six months residents of the State, and who had voluntarily borne arms in the Federal service during the war and were in the service or had been honorably discharged, and all known active friends of the United States government in each county; that the State militia should be enrolled, organised and armed. The convention also favored the complete suppression of the rebellion, the immediate abandon-

ment of slavery and its prohibition in future by all suitable amendments to the State constitution; Governor Johnson's administration was endorsed and an "iron-clad oath" prescribed for all voters and officers. The governor regarding this as a sovereign convention, proceeded by proclamation wherever he could to carry its recommendations into effect, and he ordered that the oath prescribed by it should be taken by every one in any way participating in the affairs of the State. Many Union men protested against these proceedings and against the radical extreme to which the governor was pushing things, but he was sustained by President Lincoln. An election was held in some places on the 8th of November, but the vote of the State was not counted. Subsequently, on the 30th of November, a call was issued for a convention to be held in Nashville on the 19th of December "for the purpose of forming a ticket to be run for a State constitutional convention by the loyal men of the State." This was frustrated by Hood's army and the meeting was postponed until the 8th of January, 1865. The Union men in Memphis participated in most if not all of these movements, and gave them countenance and support as far as they could, a majority of them agreeing to the most extreme views of Governor Johnson, whose purpose apparently was to prevent any but the very radical from participating in the reorganisation of the State government and its restoration to the Union. But they were not loyal enough to prevent the military authorities from seizing the municipal government of Memphis and administering its affairs throughout the whole of the thirty-eighth corporate year, which was done pursuant to special order No. 70, dated July 2, by Major-General C. C. Washburne, commanding the district of West Tennessee, which recounted "The utter failure of the municipal government of Memphis for the past two years to discharge its proper functions, the disloyal character of that government, its want of sympathy for the government of the United States, and its indisposition to co-operate with the military authorities, "as having" long been felt as evils which the public welfare required to be abated; that they have grown from bad to worse until a farther toleration of them will not comport with the sense of duty of the commanding general;" therefore "the city of Memphis is under martial law, and the municipal government existing since the armed traitors were driven from the city has been only by sufferance of the military authorities of the United States. Therefore, under the authority of general orders No. 100, dated War Department, adjutant-general's office, April, 1863, it is ordered, that the functions of the municipal government of Memphis be and they are hereby suspended until further orders. The present incumbents are forbidden to perform any official acts or exercise any authority whatever; and persons supposed to be elected officers of the city at an election held on June 30, 1864, will not qualify. That the interests and business of the city may not be interrupted, the following appointments of city officers are made: acting mayor, Lieutenant-Colonel Thomas H. Harris, assistant adjutant-gen-

eral U. S. Volunteers; recorder, F. W. Buttinghaus; treasurer, James D. Davis; comptroller, W. O. Lofland; tax collector, F. L. Warner; tax collector on privileges, John Loague; chief of police, P. M. Winters; wharfmaster, J. J. Butler; register, L. R. Richards; who will be fully respected in the exercise of the duties assigned them; and all records, papers, moneys and property in any manner pertaining to the offices, government, and interests of the city of Memphis, will be immediately turned over by the present holders thereof to the officers above appointed to succeed them. Said officers will be duly sworn to the faithful discharge of their duties, and will be required to give bonds to the United States in the sums at present prescribed by law and the city ordinances for such officers respectively. The officers herein named and appointed will constitute a board, which shall discharge the duties heretofore devolving upon the board of aldermen, and the acting mayor shall be chairman thereof; and their acts, resolutions and ordinances shall be valid and of full force and effect, until revoked by the commanding general of the District of West Tennessee, or superior military authority." This was followed on the 16th by the following special order No. 83, providing for a provisional board of mayor and aldermen: "I. Paragraph I of special orders No. 70, from these headquarters, dated July 2, 1864, is hereby so modified as to constitute the persons hereinafter named a council to discharge the duties heretofore devolving upon the board of mayor and aldermen of the City of Memphis, and they, with the acting mayor, are hereby invested with all the powers heretofore exercised by the said board of mayor and aldermen, and shall receive the usual compensation, and be known as the provisional mayor and council of the City of Memphis.—First Ward, J. P. Foster, Andrew Renkert; Second Ward, G. D. Johnson, S. T. Morgan; Third Ward, B. F. C. Brooks, A. J. Miller; Fourth Ward, I. M. Hill, J. G. Owen; Fifth Ward, W. S. Bruce, Wm. W. Jones; Sixth Ward, J. E. Merriman, C. C. Smith; Seventh Ward, G. P. Ware, Joseph Tagg; Eighth Ward, Patrick Sherry, H. T. Hulbert; by order of Major-General C. C. Washburn." On the 28th W. H. Morgan, a well known lawyer, was appointed city attorney, and on the 12th of August P. W. Winters was removed from the office of chief of police, and Councilman J. P. Foster was appointed thereto. Henry G. Smith was appointed councilman in Foster's place, and J. B. Wetherill was appointed to succeed W. S. Bruce, resigned, as councilman from the fifth ward. On the 6th of September William M. Farrington was appointed councilman from the third ward in place of A. J. Miller, deceased. On the 4th of October William R. Moore was appointed councilman for the first ward vice Henry G. Smith, resigned, and on the 19th of the same month Colonel Harris was relieved from the duties of mayor, and Captain Channing Richards, Twenty-second Ohio Volunteers was appointed in his place to "enter upon his duties immediately, and carry out the general policy and measures initiated by Lieutenant-Colonel Harris, reporting to these

headquarters." Under this military government the city continued in the course it had been pursuing since the Federal occupation. Nothing was done in the way of municipal improvement, and the collection of taxes was only partially enforced. The heaviest expenditure of the year was for a hospital, which though fitted up at great cost was not much in request.

In January, 1865, a convention of Union men purporting to be a convention of the people of the State, assembled at Nashville, and framed an amendment to the State Constitution abolishing slavery, and a schedule, both of which were ratified on the 22d of February by a vote of 21,104 to 40. The schedule declared the ordinance of secession and the military league null and void; repudiated the war debt,[1] and established a test oath for voters that virtually disfranchised three-fourths of the people then in the State. This was followed by a stringent enactment by the first legislature under this usurpation of popular power, to regulate the elective franchise restricting it to (1) unconditional Union men; (2) to those who since the war had come of age; (3) to persons of proved loyalty from other States; (4) to Federal soldiers; (5) to loyal men who had been forced into the Confederate Army; (6) to persons known to the election judges to have been true friends of the United States; (7) it disfranchised ex-Confederates of high rank for fifteen years and others for five; and (8) it imposed the test oath on all voters. A bill was also passed declaring that negroes had a right to vote under the Constitution which was the same as that of 1796, under which free negroes had voted. These excessive measures and the striking contrast of disfranchised intelligence, wealth and distinction, and the enfranchisement of the negroes bore its legitimate fruit. Disquiet resulted in every part of the State, and disorders in many counties; those especially in which the negroes were numerically in the ascendant or nearly so. Petty theft prevailed as an epidemic, and it was found almost impossible by farmers to "raise hogs or chickens." The negroes were completely disorganised by their elevation to citizenship, and the cunningly devised and Jesuitical methods of the Freedmen's Bureau, organised in 1864, which was a monster and monstrous machine for jobbery and robbery. The condition of the State was so alarming that W. G. Brownlow, who had been elected governor by the Union people on the 4th of March, recommended in his first message to a legislature elected by the same votes, that "persons convicted of horse-stealing, house-breaking and highway robbery be punished with death." He of course denounced secession and recommended the ratification

[1] The State debt was in part contracted from 1851–52 when the Legislature authorised the aid of the State for internal improvements, by which the wealth of Tennessee was more than doubled in ten years, advancing from $201,246,686 to $493,903,892—an increase of $292,657,206. During that period the population increased over 200,000 and 1,600 miles of railroad were built, worth over $100,000,000. The total of the debt made before the civil war, not including the liabilities of the State for the Bank of Tennessee, was $10,704,500.

of the amendment to the Federal Constitution abolishing slavery; advised an increase of the salaries of all State officers, recommended the revival of the common schools of the State, an examination of its financial condition, of the railroads, the State Bank, and all the institutions of the State. All these recommendations were rapidly enacted by the Legislature which remained in session until June, by which time the Civil War had ended and the Union was restored. An attempt was made in February to accomplish this result through commissioners appointed by the Confederate government, but it was not successful. In the meantime the military operations were being pushed by the Federal government which now had 1,000,000 men in the field, and the Confederates not more than 200,000, including those in the trans-Mississippi Department. Lee still held his positions in front of Richmond and Petersburg notwithstanding the furious onslaughts of Grant's army which at every venture suffered fearful losses. But in February Sherman took up his line of march from Savannah northward through South and North Carolina and Virginia, compelling the evacuation of Charleston by General Hardee, who united his forces with those under General Joseph E. Johnston, who was energetically disputing Sherman's progress, which was greatly impeded notwithstanding his army had been reinforced by another under General Schofield, the total force being about 100,000 men. But it was of no avail. General Lee succumbing at last to the continued attacks of General Grant, evacuated the lines in front of Richmond and Petersburg, which he had defended so long, on the 2d of April and on the 9th he surrendered to Grant at Appomatox Court House, having only 8,000 men capable of bearing arms. This was followed by General Joseph E. Johnston's surrender on the 26th, and on the 26th of May of the forces in Texas under the command of General E. Kirby Smith. On the 29th Andrew Johnson, who had become President of the United States in consequence of the assassination of President Lincoln by Wilkes Booth on the 14th of April, issued a proclamation announcing the close of the war, and offering amnesty on certain conditions to all who had sided with or aided the Confederacy, except certain designated classes, among them being former senators and representatives and civil and military officers of the United States.

1865–1888.

I

WHEN the Civil War closed the business of Memphis was still confined to the operations of the treasury and military orders directing and governing trade and intercourse with the surrounding country. These had from time to time grown more stringent, and the abuses and corruptions under them more difficult to be encountered or overcome. There were three populations in the city living for the most part away from each other, and stimulated by prejudices, jealousy and a fairly well founded suspicion. The military formed a privileged class, a sort of aristocracy, the traders standing close to them as loyalists and dependants, the real population being separated from both, looking upon them and regarding them as enemies to their liberties and usurpers of their rights of self-government. To the casual visitor or looker on this was not made apparent. The anomalous and unhealthy, because strained condition was hidden beneath a crust of activity, which brought men of many minds together during the day, and there was some intercourse in Masonic and Odd Fellows lodges and in the churches, but it was slight. The general feeling was one of rancorous bitterness on both sides, and intercourse, except that in trade, was irksome, constrained and sometimes painful. The conquered could not conceal their feelings, which became more and more apparent and was more outspokenly expressed as the Confederate soldiers returning to the city intensified the depression that was felt in almost every home. They found the municipal government in the hands of the military power, which, through a military governor, had also taken possession of the State and turned over its offices to the "Loyalists," who administered them—a mere 25,000 Union men in possession of its archives, of its funds, presumed to amend its constitution and its laws, make and levy taxes, dictating the terms of citizenship and denouncing and ostracising all those who following in the historic line of the State's life had clung to her fortunes, made them their own and fought for her to the end. There was no invitation to them to participate in a much needed work of restoration, of repairing the places wasted by a decimating war, they were as aliens in their own land, paroled prisoners of war, their kindred at home marked as traitors and political outcasts. They were to live

by sufferance of the "Loyalists," they were to breathe and to labor by their will, and according to their measure, preference always being given by law to those who professed loyalty to the Union and confessed disloyalty to the State. Federal laws and State laws were passed to this effect, and not only the newspapers but the books of the period were filled with declarations of the heinousness of self-defence by the people of the South, which everywhere was reversed and made to appear as a deliberate assault upon the integrity of the Union. The aim of the usurping State government was despotic, and it was conducted upon a basis of the vilest partisanship, urged and sustained by the excessive passion and prejudice of those who were filling the executive offices, and most of those who were discharging the legislative functions, with the consent of President Johnson, as they had previously had the consent and approval of President Lincoln. With real or fanciful grievances, and without the power or ability to rise above them and be just, at least, in the performance of their duty, they constituted themselves into a sort of constitutional vendetta, and with the usurped authority and power of the State, sustained by that of the Federal government, proceeded to wreak their vengeance upon a whole population. Thus, disfranchised by the State and Federal government, the mass of the people found their property eaten up by war taxes as levied during the war by the Federal government, which now began to enforce them by summary sales, which they were unable to prevent, being wholly without money or means. Lawyers who had been Confederate soldiers were prohibited from practising in the Courts, and all legal transactions paid a heavy tax. There were iron-clad oaths for the business man and the professional man to prevent them from earning their bread, and the planter found his one great crop the special object of taxation, and all to feed and satisfy a devil-devised and insatiable personal spite, passion and venom in the governing classes, among them being those who had, with Mr. Lincoln's endorsement, taken possession of the State, its government and its affairs. Every invention of cruelty and oppression was resorted to, to wholly cripple and break down the spirit of a people who literally had "lost all save honor," in their struggle for independence, for State autonomy and the preservation of the fundamental principles of 1776. But the final blow was reserved for the 19th of July, when the usurping governor, Brownlow, in a telegram full of the spirit of insolence, notified Secretary of War Stanton that the usurping Legislature, which in State matters had legally and rightfully about as much power as a town meeting, had endorsed the Fourteenth amendment to the constitution by a vote of 43 to 11, "two of his," President Johnson's "tools refusing to vote." This action procured recognition for the State by Congress, which had refused, hitherto, to admit the senators and representatives to seats to which they had been elected in August. This was authorised by a joint resolution which declared that "the State of Tennessee is hereby restored to her

former practical relations to the Union, and is again entitled to be represented by senators and representatives in Congress." President Johnson, approving this resolution, returned it with the written reservation that his approval was "not to be construed as an acknowledgment of the right of Congress to pass laws preliminary to the admission of duly qualified representatives from any of the States." The president had already reached his constitutional moorings, and, although he was tenaciously clinging to his purpose to punish certain classes of persons whom he had exempted from the benefits of his amnesty, had adopted Mr. Lincoln's policy of restoration and become an avowed opponent of the congressional methods of reconstruction, some of which threatened the blotting out of State lines and the confiscation of all property. He was bravely confronting the hurricane of rage and fury that had swept over the Northern States after the assassination of Lincoln, when freedom of opinion absolutely disappeared for a time, and it was feared that chaos and confusion would sweep law and order out of existence everywhere in the Union. Mr. Johnson had at first, and while merely vice-president, identified himself with the extremists, and during that time breathed nothing but death to traitors, and "that treason must be made odious, that it must not be regarded as a mere difference of political opinion; and it must not be excused as an unsuccessful rebellion, to be overlooked and forgiven; it is a crime before which all other crimes sink into insignificance." But he was not long in the presidential chair ere it became evident that the principles he had been expounding for so many years, asserted themselves, and he declared against the consolidationists and the State suicide, confiscation and extermination theory of Thad. Stevens. He held that the States had never been out of the Union, and that their life breath had only been suspended. "It is a high constitutional duty we have," he said to a delegation from Indiana, late in April of this year, "to secure each of these States in the possession and enjoyment of a republican form of government. . . . While I have opposed dissolution and disintegration on the one hand, on the other I have opposed consolidation, or the centralisation of power in the hands of the few." The president was not conscious, perhaps, when he uttered these words, of the rebuke he was administering to himself as the former military governor of Tennessee, justly responsible as he was for the existence of a government of the few over-riding the wishes and dominating a majority of the people of the State. But all this was forgotten and forgiven to him by the sorely-oppressed citizens who were beginning to realise that in him they had a friend and not an enemy, and that whatever his vagaries might be where some excepted leaders were concerned, he was an active defender of the constitution, and under it of the rights of the States and the people who composed them. He appointed military governors for North and South Carolina, Alabama, Florida, Georgia, Mississippi and Texas, with a view to their restoration to the Union, as Virginia, Tennessee, Arkansas and Louisiana had been re-

stored by the measures taken by President Lincoln, but revolutionary as these were they did not meet the views or purposes of the extremists in Congress whose ultimatum was the subjection of the white people to the negroes, for whose enfranchisement they were then taking the first steps. Under these circumstances of political degradation, sectional distrust and personal persecution, the work of rehabilitating Memphis was begun, the work of again shaping her destiny in the direction of peace and prosperity. On the 3d of July, an election, by consent of the military authorities, having previously been held for mayor and aldermen, and other city officers, Major-General John E. Smith, commanding the troops in Memphis, ordered by extract 3 of general orders No. 170, that "Extract 1 of special orders No. 70, and Extract 1, special orders No. 83, series of 1864, from these headquarters," be and they were revoked, and the officers appointed by them ceased to exercise their functions after that date. They were instructed to turn over to Mayor John Park, and the officers elect, all the books and papers pertaining to their several offices. With this, military government was brought to an end in Memphis, and the municipal independence, absolutely revoked for a year, was restored. One of the first acts of the new municipal government was to order a census of the city, which showed the population to be 27,703, a little over 5,000 more than the returns of the Federal census of 1860, by which it was declared to be 22,623, and this, notwithstanding the fact that more than 10,000 men had been mustered from its population for the Confederate army. John Park, who was just entering upon his fourth term, was not able to accomplish much in the way of public improvement, as his first three terms were embraced in the first three years of the civil trouble, and the only issue of bonds that stands to his name are those numbered from 1793 to 1832, and these were for city school lots which were purchased by order of the board of mayor and aldermen.[1] The repair of

[1] The public schools, by the most extraordinary efforts on the part of the school visitors and the superintendents, aided by a few philanthropic citizens, had been kept open to the children during the whole period of the war, and were very well attended. The census taken by order of the board showed the school population to be 3,865, and the enrollment to be at this time, 2,523; the average daily attendance to be 1,209, and the expenses $51,212; the sessions being of ten months' duration and the cost per pupil $42.35. J. J. Peres, a noted scholar and friend of public education, was president of the School Board, and W. Z. Mitchell, an equally noted educator, was superintendent. In 1860–61, when John A. Nooe was president, and Leroy Pope, superintendent, there were 2,073 pupils enrolled, of whom 1,019 were in daily attendance, and the expenses were $29,977; average per pupil $29.41. In 1861–62 G. R. Grant was president and A. P. Merrill, superintendent; 1791 pupils were enrolled, of whom 755 were in daily attendance, the expenses being $20,030, or $26.54 per pupil. In 1862–3 James Elder was president, and Richard Hines, superintendent; 1,495 pupils were enrolled, of whom 607 were in daily attendance, the expense being $20,078, or $33.07 per pupil. In 1863–4 S. T. Morgan was president and Richard Hines, superintendent; 2,216 pupils were enrolled, of whom 902 were in daily attendance, the total expense being $23,707, and the cost per pupil $26.28. In 1864–65 S. T. Morgan was president, and Richard Hines, superintendent; number of pupils enrolled 2,418; in daily attendance 1,036; total expense $54,330, and the cost per pupil, $52.44.

streets and sidewalks, and the granting of privileges to a street railway company, occupied most of the time and attention of the board, which also devoted some of its influences and energies to the recovery of the property of the city from the Federal government, which was still using the Navy Yard as a barracks for the troops left to garrison the town. The health of the city was very fair, notwithstanding the rapid changes in population, but it was accessible by river to a very indifferent and criminal class, whose crimes of robbery and murder were so frequent as to make for it at this time and for some years after a very unenviable notoriety. This was a period noted for lawlessness, in town and country. Many discharged soldiers from the Confederate and Federal armies, released from the restraints of discipline, murderers and thieves, who assumed the garb of Federal soldiers, and negroes, running wild in their first ecstacies of freedom, were unscrupulous as to the means they employed to gratify or satisfy their wants, whether artificial or real. On the 20th of December two white men, one of them named Hanks, were killed in South Memphis by drunken negro soldiers, one of many marauding parties who made a residence in the suburbs anything but desirable. Out in the country it was much worse. The Freedmen's Bureau, organised in 1863 by General John Eaton, under orders from General Grant, with a view to save the army from the corruptions and debauchery inevitable from the presence of large numbers of demoralised runaway slaves, seeking Federal protection, had demoralised the labor to such a degree that the problem of a future supply became a matter of earnest discussion by the press. The Bureau no longer controlled by its founder, whose purposes were benevolent and honorable, degenerated and became a mere political partisan machine. It assumed to regulate labor, substituting for the free will of the late slave the one-man direction of officials who cloaked their rapacity and money-greed behind a zeal sustained by sectional hate, and the hot fanaticism of the abolition furies whose passions were not satisfied with the manumission of the negro, and could only be so by the degradation of the whites. Many of the agents of this Bureau made a fence of the Redeemer's name, behind which to caricature his compassion and humanity, and enact, surrounded by all conceivable devices, sham sympathy, which for a time only concealed their villainies long

During these years it was difficult always to get the money needed to maintain the schools, and the expenses were for the most part paid in scrip, which the board of mayor and aldermen, organised by General Washburne's order, instructed the treasuer should be "received and cashed as all other city warrants were." Superintendent Hines, in his report for 1865, said that notwithstanding the miserable buildings, inadequate furniture and an empty treasury, and with all the excitement and feeling aroused by the civil war, the schools had been successfully conducted. It should be stated here that colored schools, the first of which was opened by Miss Lucinda Humphrey, a hospital nnrse, were taken under control in 1864, by the school committee of the board of mayor and aldermen, and were maintained by an appropriation from the board, assistance from the Freedmen's Bureau, and subscriptions from the colored people, nearly 2,000 pupils being in attendance in 1865.

enough, however, to enable them to maintain their ill-gotten and ill-managed political power, and by it rob the victims of their pseudo-philanthropy. The Freedmen's Bureau was thus an agency for unmixed evil and greatly retarded the growth of the good feeling between the peoples of the two sections, which a few of the leaders were anxious to cement, and for which President Johnson was laboring so incessantly as to command the respect and confidence of the press and people of the South. He said at this time that "when the South should be readmitted to its former status in the Union, he wished it to be with all its manhood." A declaration so noble could not fail to call out grateful responses from the Southern people, those especially of his own State of Tennessee, who were being made the subject of oppressive and repressive legislation by the usurping legislature, which, as military governor, he had helped to organise. Such a response went up to Washington from Memphis, from a great public meeting held at the city hall on the 25th of November. It ratified Johnson's policy of restoration, and declared that the people of West Tennessee were in favor of complete restoration to the Union, and of all the people to all their political rights. The resolutions adopted also declared that the people accepted the situation, ratified the amendments to the Constitution of the United States, endorsed the abolition of slavery, the repeal of the ordinances of secession by the Legislature, and the repudiation of the State's debts so far as the same had been created for the purposes of the prosecution of the rebellion; they cordially approved of and reaffirmed the principles of the great Union party, as the same had been adopted by the Baltimore Convention of the 8th of June, 1860, and that in good faith they affiliated with those who nominated Abraham Lincoln. Of course these resolutions did not represent the attitude of the Confederate soldiers. They carefully abstained from participation in politics, and observing the terms of their paroles, which bound them in obedience to the laws of the State as well as the Republic, were devoting themselves as energetically as they could to such labor as established restrictions would permit. Many of them despaired of any solution of the problem of the future, seeing that radicalism was everywhere dominating in legislation as well as in the courts, and were merely interested spectators of the social drama that had succeeded upon the tragedy in which they had been spectators. They were gratified at any efforts that were made to break the force of radical tendencies to invite chaos, and hailed with great satisfaction the election to the Legislature of gentlemen like William K. Poston and S. P. Walker, "both of whom," as the *Appeal* said, "were contemporaneous with the growth and increase of Memphis." They took great interest in the arrest, trial, condemnation and execution of Wirz, who had been for a time in charge of the Andersonville Military Prison, and the arrest of ex-President Davis and others of the leading officials of the Confederate government, and the pardon of Confederate officials, especially those from Tennessee, who, notwithstanding

his general tendency towards clemency, were in some cases held back on probation.[1] Mr. Johnson had a theory altogether inconsistent with our form of government and the absolute freedom of the citizen, that certain leading public men should be held responsible for what he also illogically stigmatised as "treason and rebellion," as if the people could have committed treason and rebellion against themselves. But he stuck tenaciously to it, even in the case of some of his former very close and warm political friends. Yet even with this crotchet, Mr. Johnson was very mild when compared with Governor Brownlow, and the majority of the Legislature, which met again on the 2d of October for the express purpose of increasing the burdens of disability with which they loaded most of the intelligent citizens of the State. They passed a few acts, such as the exigencies of the times made necessary, among them one increasing the salaries of judges, and they accepted and enjoyed a banquet given them in the name of the Memphis Chamber of Commerce, which was intended to placate them and secure a modification of the trade restrictions and heavy burden of taxes that were felt by "loyalist" and "rebel" alike. But it failed. The majority was not in the humor for being placated. They were in full sympathy with Congress, which was fighting the president and opposing his methods of restoration. They adopted resolutions remonstrating against the pardon of Jefferson Davis and others, and denounced ex-President James Buchanan and John C. Breckenridge as infamous and worthy of death; and they also introduced a bill still farther restricting the elective franchise, but they were defeated of this purpose by a determined minority, among whom were Messrs. Poston and Walker, who were anxious to restore their rights to the people. By the close of the year all the places of amusement were open and were well attended. Laura Keene, who played at the theatre for a week, was succeeded in December by Mr. and Mrs. Charles Kean, and they by Edwin Adams in "Hamlet." Frank Tannehill was managing the Greenlaw Opera House, which had recently been finished, and the Ghioni-Susini Italian Opera Troupe appeared there for a week. The Olympic Theatre, a temporary structure of the half circus, half dramatic order, wherein Kate Warwick Vance had appeared as Mazeppa, was given over to a circus company of very modest pretentions. The daily journals were never so strong in numbers or so potent in power. Besides the *Bulletin*, which duirng the war had represented the loyalist feeling and had become bitterly radical and extreme, there was the *Argus*, which had held middle and conservative ground during the struggle, and was the mouthpiece of the Confederate element, there was the *Commercial*, democratic, founded in June of 1865, by J. M. Keating, the *Post*, radical, by John

[1] Ex-Governor Harris was refused a pardon, which was applied for by Mr. John Overton, of Nashville, who, upon the receipt of a letter written by the governor at Cordova, Mexico, to George W. Adair, went to Washington for that purpose, but failed. A reward had very unjustly been offered by the president for the governor's arrest.

Eaton, the *Ledger*, established by Mr. Ed. Whitmore and his brother, and the *Appeal*, democratic, re-established in November by B. F. Dill, and the *Avalanche*, democratic, by Galloway & Pollard. The *Appeal* had from the day of the capture of Memphis, June 6, 1862, followed the fortunes of the Army of Tennessee up to the capture of Columbus, Miss., where the office was burned by order of Major-General Wilson, all its property being consumed save a press and a few cases of type. On this occasion General Wilson exacted a bond of $100,000 from Mr. Dill, who had been taken prisoner, not again to publish the *Appeal* during the war. The history of the *Appeal* during these eventful years is a conspicuously unique one. It was the soldier's special organ, and spoke almost with the voice of authority for the army of Tennessee, whose fortunes it followed and with which it was identified from its organisation to its collapse in December of 1864. The proprietors and editors, McClanahan & Dill, with an enterprise and pluck that met obstacles only to overcome them, moved their types, engines, boilers and presses by railroad wherever the changes and chances of war forced them, and whether for a month or a year were prompt in issuing a daily paper that was edited with skill and ability and was always pronouncedly in the interests of the people of the South. It was one of the greatest of the useful agencies in the life of the Confederacy, a constant inspiration to officers and men alike, and a daily appeal to the people to stand by the Confederate government notwithstanding its frequent and flagrant violations of the constitution forced by the exigencies of war and the gradual narrowing of the fields of supply, and the theatre of events. Published in Georgia, Alabama, and Mississippi, it was always the Memphis *Appeal*, and steadily kept in view the interests of the city and of Tennessee. Its correspondents were to be found with every army and in every State, and its proprietors expended money freely to procure news from beyond the Confederate lines. It was a tower of strength to the Southern people, and is indissolubly linked with the history of their noble and heroic struggle for independence. The proprietors of the *Appeal*, sad to say, did not live to realise the hopes they naturally indulged, in the revival of its publication at its old home. One of them, Mr. John R. McClanahan, was killed in June by falling from the window of a room in the Gayoso Hotel, and Mr. Dill died at Forrest Hill in January of 1866. All the papers did well and made such an exhibit of financial strength, as well as in tone and vigor, as induced the belief abroad that Memphis was the most progressive, prosperous and inviting of all the cities of the late Confederacy, as it was. The Democratic papers were aggressively active in agitating for the rights of the people and proved to be a tower of strength and an inspiration to the disfranchised not only of Memphis and Tennessee, but also of Mississippi and Arkansas, with whom in the sorrow, gloom, and depression that prevailed throughout their limits, as throughout the South generally, they made common cause as they had during the years

of the war. The newspapers were strong every way, and in November felt it necessary to call a convention which met at the Gayoso Hotel on the 21st of November, and of which Colonel J. H. McMahon was chairman, and organized the Southwestern Press Association by electing J. M. Keating, president; J. W. Kingsley, secretary, and J. M. Roberts, treasurer, the object being to establish a system for securing news and distributing press dispatches after the manner of the New York Press Association and the Western Press Association. In pursuance of this plan Mr. Keating visited all the principal cities of the late Confederate States, and was everywhere well received, but the prevalent poverty and the unsettled condition of public affairs, every day growing more threatening, prevented the carrying into effect of the plans he presented, based upon the success of the Confederate Press Association during the war, and which were unanimously approved by the press associations of the various States. The telegraph lines as well as the railroads were still in possession of the Federal government, and there was no way of ascertaining when they would be released and restored to their owners and a government supervision and espionage was feared which would defeat the main purpose of the organisation, which was to secure for the Southern papers reliable reports of facts occurring and opinions expressed by the Southern press and people, and relieve the newspapers from the necessity they were under of publishing the dispatches of the New York Press or Western Press Associations, which owned and conducted by northern newspaper proprietors, most of whom were inimical to the South, consented to and ratified reports of the condition and feelings of the people of the South, that were often utter misrepresentations, and this to their political disadvantage. This association would have been of incalculable advantage in shaping, modifying, and directing public opinion, and might have saved the South a great deal of the trouble that afterwards, and for ten years came to her. Abuses that grew apace as they were encouraged by Congress might have found a quicker remedy, and the Union have been really restored some years earlier. But the fates seemed to have conspired against that and every other attempt to concentrate the public sentiment of the defeated section. The Radicals had full swing. On the 19th of January, 1866, the disfranchising bill was called up in the House of Representatives, when the minority, seeing no other way to prevent its passage, absented themselves for several days, and finally resigned their seats, which, leaving the House without a quorum, it and the Senate with it, was compelled to adjourn, which they did from day to day until new members were elected at an election called for that purpose by the governor and held on the 31st of March. On the new members being sworn in, the franchise bill was called up, and though debated with much skill and ability by those opposed to it, it passed both houses and became law on the 3d of May. A petition from the people of East Tennessee to be permitted to form that division into a separate State was considered at this session but was

rejected because, as the members from West and Middle Tennessee of the special committee to whom it was referred reported, "it would be unconstitutional." Several efforts in many parts of the State to re-establish the public school system proved abortive on account of the prevalence of the social and political disorders which were being still further fermented by the Legislature, which so far from taking any interest in the matter devoted the taxes collected for school purposes to paying the accumulated interest on the railroad bonds for which the State had pledged its faith and credit, in addition to which and in face of the general depression and that the taxable wealth of the State had shrunk from $388,936,794 to $225,393,410, and that the debt of the State already amounted to $20,408,000, this Legislature appropriated $113,000 to turnpikes and $4,941,000 to fund the interest due, and it presented to the East Tennessee, Virginia, and Georgia Railroad the $425,000 of stock in that company which the State had subscribed and paid for. It also misappropriated a portion of the school fund which had been carefully preserved by Governor Harris throughout the war, and guarded with scrupulous care even in the face of the pressing exigencies of the Confederate government which had seized, to make use of, all the gold it could find in banks or private hands. It also put the Bank of Tennessee in liquidation, and invested what remained of the school fund, $446,719 in gold in $618,250 of 7 30 bonds.[1] On the 5th of November the Legislature held its last session when it put upon the disfranchised people of the State the crowning outrage of a series, no one of which would have been tolerated for a moment but that most of that class were paroled prisoners of war, who in honor were bound to bear, and were enduring the severities of every punitive law almost uncomplainingly. It granted the privilege of the franchise to the recently manumitted slaves, and thus intensified the detestation in which the radicals were held by the mass of the people, among them the "loyal," conservative minority, who believed with the president that the rights of the people should be restored to them. The negroes were not permitted to hold office, but they could serve as militia,

[1] At the close of the war the assets of the Bank of Tennessee, which had been removed in February, 1862, with the archives of the State were returned to the Capitol at Nashville, and on the 29th of May, 1865, the Legislature authorised "the governor, the secretary of State and the comptroller to receipt for them, and take charge of them." On the 9th of October this commission reported that $446,719.70 in gold and silver coin constituted part of the assets, and this was at once invested in United States 7-30 bonds, the high premium then paid for specie enabling the State to realise the sum of $618,250 of such bonds, which by an act of the Legislature passed the 16th of February, 1866, placing the Bank of Tennessee in liquidation, was to be "held as a part of the Common School Fund." The fifth section of the act providing for an assignment to a trustee of all the assets of the bank and its branches for the purposes named in the act. The Common School Fund (stated as amounting to $1,500,000, with an interest thereon from May 6, 1861) is declared to have preference, and a part of this school fund the act directs that the $618,250 in 7-30 bonds "be retained and placed in the hands of the treasurer of the State." The liabilities of the bank were stated to be $7,208,020.48, distributed as follows:

and did serve in companies authorised by this Legislature, and which were placed under command of General Joseph A. Cooper, one of the leading East Tennesseans, who had advocated the disintegration of the State. At this session the Memphis Board of School Visitors was chartered as an independent body, the city charter was amended, and the county of Shelby was constituted for the purpose of police power and police discipline, a Metropolitan Police District. The former placed the schools under the exclusive control of the School Visitors, who were made a body politic or corporation to purchase, hold and possess property for the use of the city schools, and to do everything needful and necessary in the public interest, and to have a seal which they could break or renew at pleasure; they were to be elected on the third Saturday in each year by the regularly qualified voters of the several wards in the city, and were to hold office until their successors were elected and qualified; they were to elect their own officers and to judge of the qualifications of their members, and were empowered to employ a superintendent, school teachers, agents and servants, purchase books, furniture, fuel, fixtures, apparatus, stationery, maps and globes, and whatever else might be necessary for the government, management and direction of the schools; they were to submit a budget every year to the board of mayor and aldermen, who were to levy a tax not to exceed a ratio of $15 for every white child in the city; and they were authorised to purchase buildings and lots not to exceed $75,000. The amendments to the city charter extended the powers of the city of Memphis, extended the term of office of the aldermen to two years, extended the fortieth corporate year to the first Monday after the first Thursday in January, 1868, made

For unpaid capital stock	$1,320,931.66
For interest	1,664,373.89
For United States Bonds	618,250.00
For interest	816,085.00
For over-drafts for ordinary State expenditures	465,487.77
For interest	576,514.59
Total	$5,461,642.91
DUE DEPOSITORS IN	
Parent Bank at Nashville	$926,719,76
Branch Bank at Rogersville	39,597.04
Branch Bank at Knoxville	327,205.57
Branch Bank at Athens	40,540.56
Branch Bank at Sparta	23,407,64
Branch Bank at Shelbyville	16,154.85
Branch Bank at Clarksville	57,024,48
Branch Bank at Columbia	11,089.51
Branch Bank at Trenton	53,807.56
Branch Bank at Somerville	139,125.94
Branch Bank at Memphis	111,904.56
Total	$1.746,377.57

that date the beginning of the fiscal year, and empowered the aldermen whose term had thus been extended, to levy a special tax for the ordinary expenses of the corporate year, and "a like increase of taxation for the purposes set forth in the charter"; specified the city officers that were to be elected by the people, and by the board; empowered the board to borrow money, issue bonds and treasury warrants, and subscribe to railroads; stringent provisions were also made for the publication of weekly statements by the treasurer and comptroller, and the examination of quarterly reports by the finance committee of the board of aldermen, and three citizen tax-payers were to be appointed by the chancellor or judge of the Common Law or Chancery Courts of the City of Memphis; the board was also empowered to assess property owners for all repairs, improvements and the paving of streets and alleys, per front foot as far as the middle of the carriage way, and to condemn private property; provision was made for the election of city officers and the registry of voters, the registry to be kept by the comptroller; and two sections were devoted to provisions for the collection of delinquent taxes and the management of tax sales. This charter so latitudinarian in its provisions was fruitful of a greatly increased debt and confusion in the tax responsibilities of the citizens for paving streets and alleys. The Metropolitan Police Act vested the powers and duties connected with and incident to the police government and discipline of the county in a board of three police commissioners, and a force of captains, sergeants and patrolmen of Metropolitan Police, the commissioners to be appointed by the governor by and with the advice and consent of the Senate, and to hold office for four, six and eight years; one of them to be superintending commissioner, the second financier and the third, clerical commissioner; they were to appoint the officers, non-commissioned officers and patrolmen, the latter not to exceed one hundred in number. No city was ever so sorely beset as Memphis in 1866. Confusion prevailed in all her councils, and as the *Avalanche*, then by all odds the leading paper, phrased it, "a carnival of crime." Almost every day had its murder, and men were ready to spring at each other's throats on the slightest provocation. There were conspiracies to kill before the courts, and an array of murders that sustained the *Avalanche's* statement, and discredited the will or ability of Brownlow's Metropolitan Police to maintain the peace and compel obedience to the laws. The fact, too, that murders were committed with impunity, that punishment seldom followed, and hanging in no single case, argued very grave defects in the enforcement of the laws. Partisan zeal, bias and prejudice prevailed in every department, even in the criminal court, and much depended upon the political color of a criminal's coat whether he was to suffer or not. Alderman Grace, who in August shot and killed Frank Cummings, passed the ordeal of trial in safety, and a resolution offered in the board of mayor and aldermen to expel him was voted down. Dr. P. D. Beecher, a well-known radical, arrested and taken before the Criminal Court, charged with con-

spiring to kill Dr. Early, was released. Affairs like these, though not always fatal, were frequent, and there was but little delay indulged in the adjustment of personal quarrels according to the code. The air seemed to be filled with the spirit of contention, discontent was general, and everybody felt unsettled, as if apprehensive of an impending calamity to which all the untoward circumstances of crime and political oppression and repression were leading. At Fort Pickering there were four thousand negro troops who, encouraged by the elevation of their race to the rights of the franchise which was denied to the white men, whose birthright it was, were very impudent and self-assertive. Gangs of them had assaulted white women as well as men, and there was a growing feeling on the part of the best people that unless they were removed bloodshed must ensue. To prevent this the merchants and leading citizens petitioned President Johnson for their removal. This petition was referred to the secretary of war, and by him to General Thomas, then in command of the department. He declined to accede to the request saying that if the people of the city "and the courts are prepared to guarantee equal rights and justice to all men within their community it will be time to consider the propriety of removing the troops altogether." They were not removed, and continued their misconduct which had induced the merchants' petition more flagrantly, and seemingly beyond any power of restraint lodged in the officers in command. General Stoneman, who commanded the district, and who was fully alive to the chaotic condition of public affairs, and the condition of desperation to which the people were fast being reduced, did what was possible to him to arrest the tide of crime and issued very stringent orders as to the arrest of pretendent soldiers who were making life very unsafe in the suburbs. This had only a momentary effect. The Freedmen's Bureau, which was a pet scheme of the extreme radicals in Congress, was a a law unto itself, and was so managed as to minister to the vanity of the negro and the humiliation of the white people. The attempt by President Johnson in February to crush this politico-humanitarian organisation by vetoing a bill which provided for its perpetuity, on a more extended scale of mischief, only added fuel to the flame. Congress passed the bill over his veto. This served to increase the self-importance of the recently enfranchised negroes, who were still further elevated in their own esteem by the appeals of the dominant radical faction for their votes and their services in the militia as conservators of the peace. The extreme to which this courtesy and petting of the negro was carried, induced the Federal military authorities to muster the four negro regiments complained of out of the service in April, but they were not finally discharged for some days, and continued at the fort under a very loose system of discipline, if indeed they were amenable to any between reveille aud tatoo. With few duties to perform they had a great deal of time which they spent in self-indulgences and orgies in low places near the fort, obtruding themselves

in an overbearing manner upon the notice of the poor white people residing in the vicinity, who remonstrated against it, and finally becoming incensed to a point beyond endurance resented it even to the extent of personal chastisement. This the negroes would not submit to, and in overawing numbers they became more and more threatening. Thus the indignation of the one and the resentment of the other was worked up to a condition of white heat intensity, when on the 2d of May a white man struck a black boy who had knocked a little white boy down. For this he was killed by a negro soldier. Out of this grew a dreadful riot which raged unchecked for several hours and ended in the death, some reported, of hundreds of negroes, many of them being consumed in their huts which were destroyed by fire. When news of the event reached Sheriff Winters and Mayor Park, the former at once summoned an armed posse and proceeded to the scene of conflict, and the latter called on General Stoneman for troops to protect the city. These to the number of one hundred and fifty were promptly forthcoming, and were marched to South street, in the vicinity of which the riot had occurred. They were too late to take part in quelling the riot which had nearly ended before the sheriff and his posse had arrived. On the next day an attack being made on the people by the negro soldiers from the fort, the two companies of the Sixteenth Regulars were again called on, and they charged the rioters and compelled them to remain in their quarters, which they did until they were disbanded and sent to their homes, and peace between the races was established upon a surer basis than had prevailed since the close of the war, official announcement of which had not been made by the proclamation of President Johnson until the 4th of April, nearly a year after hostilities between the belligerent powers had ceased. On the 4th of June Attorney-General Wallace was notified by the Freedmen's Bureau that all civil or criminal cases to which persons of color were parties were thereafter to be "turned over to the civil authorities to be disposed of," and the hospital stores and medicines in possession of the bureau officers in Memphis were turned over by command of General Fisk, in charge of the bureau, to the city authorities. This surrender was, however, no indication that the bureau was to retire from the field where it usurped so much authority, and was the means of so much of unmixed evil. Brevet Brigadier-General Runkle, in charge of the Memphis district, issued an order on the 13th instructing planters that all contracts with negroes must be registered and approved by the Freedmen's Bureau, otherwise they would have no binding force. The effect of this was to still further disorganise the labor of the county, and increase the distrust existing between the two races, and leading to conflicts like that reported in October from the Burgett plantation near Cat Island, where an attempted uprising and insurrection was quelled after a severe encounter which resulted in the death of two negroes and the wounding of four others, forty rifles and thirty-five revolvers being taken from

the survivors. The conflict of authority between the bureau, the city and county authorities, and the State and national authorities was very confusing, especially in the city, which was at the mercy of the radically organised metropolitan police, which assumed police control within the limits of the city on the 1st of July. Every one connected with this organisation was cordially detested by a majority of the citizens, who regarded it as merely a company of Brownlow's militia, then marauding in several counties, making life and property more insecure. Beaumont, the superintending commissioner, was narrowly watched by the sheriff, who found his duties and functions very much interfered with by the police, and when an occasion offered, he was arrested, charged with forgery, bribery and robbery, and with two of his detectives, Pratt and Norton, was placed under bonds, and the grand jury found two bills against them. The statement of a confessed criminal named Ryland, that the metropolitan police were implicated with him in certain crimes, and paid him $500 to leave Memphis, was published to emphasise the other charges and increase the odium in which the police were held, who, it was ascertained, late in November presented a bill of expenses amounting to $54,108.79, or at the rate of $324,000 per annum, the estimated annual cost of the force by the commissioner's budget being $249,000. The Beaumont case,[1] as almost every other did at this time, collapsed. There were so many distractions and bewilderments for the press and public, that they were not equal to the task of following each case to a conclusion, and one was thrown out to make room for the other. The public mind was in a morbid condition of unrest and apprehension. Among the things that occasioned the gravest fear in November was the passage of an act by the Legislature, disqualifying and prohibiting all Confederate soldiers and sympathisers from serving as jurors. Besides, there were suits against the merchants on account of stamp duties, which were after a while discontinued; the removal of the county seat of Shelby county to Raleigh, which occasioned great inconvenience to the public; and the enforcement of back taxes on property that had been occupied by the Federal military authorities, and for which compensation had not been received by the owners. The board of mayor and aldermen had passed a resolution to remit such taxes, but on the 24th of July, on fuller information, and learning that claims had been presented at Washington, for rent for property thus occupied, they rescinded it, but subsequently, and later in the year, referred special cases of this character to the finance committee, to report what action was necessary. The complaining taxpayers found it easier to take the board in detail. In the meantime the city debt was increasing with marvellous rapidity, the people were sowing for the whirlwind. The press tried to arouse the people out of their indifference, but failed. They could see no way out of a condition of things that threatened to complete the bankruptcy precipitated by the war.

[1] The charge against Beaumont could not be sustained.

They were distrustful of all officials, and these were beginning, some of them, to distrust each other. The taint of corruption attached to everything, and officials of every class and character were believed to have their price. The State school fund was found to have been deposited in the Tennessee National Bank of Memphis—amounting to $618,150 in 7.30 bonds third series—and an investigation was made on charges of corrupt collusion with the president of the bank, preferred by Governor Brownlow against R. L. Stanford, State treasurer,—but the bank promptly honored that officer's draft for the amount which proved satisfactory, as nothing was subsequently said about the premium on these bonds or the coupons that had been collected by the bank. This transaction had the effect of confirming the belief of many that radicalism was an organised scheme of robbery as well as wrong, notwithstanding it made very plain the honesty and integrity of Governor Brownlow, who, though an extreme radical then, as he had been an extreme and ultra-pro-slavery advocate before the war, was without the stain of corruption. And he was not alone in this. There were a few other radical leaders like him in that respect, some who differed from him *in toto*, as to the treatment of the ex-Confederates which he made as intolerable as possible by new devisements of persecution almost every day. Brownlow feared the return of the people to power, which Senator Smith, and Representatives Walker and Poston labored for in opposing the franchise bill that stigmatised and degraded the worth and wealth, and the intelligence of the State. Endorsing Smith's course the people re-elected him and Walker and Poston unanimously. But there was "a finger of Providence" in all this. It served to arouse the people to an appreciation of even the president's defective, and in some respects irreconcilable, methods of restoration, which, however, compared to Brownlow's methods of reconstruction, were as light to darkness. Had it not been for this sharp contrast there is reason to believe the people would have taken no part in politics until general wreck and ruin, as was the case in other States, had forced them. Early in February delegates were elected at a mass convention of Conservatives, to a State convention of that party, called for the purpose of electing delegates from the State at large, to a national convention that was to be held at Philadelphia, in the interest of a restored Union, on the old and only enduring basis of consent. This State convention endorsed the president's policy, and the press of Memphis gratefully and warmly praised a recent speech of his, of which the *Appeal* said that "every patriotic heart bounds with a better hope in the future while reading even this meagre outline of his utterances." A light was dawning. Johnson was fighting the battle of the constitution. He gave additional evidence of this by his veto in April of the bill for the enlargement and renewed life of the Freedmen's Bureau, on a military basis,[1] for which the Conservative Exec-

[1] Alexander Harris, in his "Review of the Political Conflict in America," notes on page 428, that "Andrew Johnson's reasons, for his veto, were more sound than consistent with his

utive Central Committee of Shelby county ordered that "a salvo of one hundred guns be fired from the bluff in honor of our most noble and eminently national president." "Andy" was getting close to the popular heart again. A Johnson club was formed for the specific purpose of sustaining the president, and an enthusiastic mass meeting, held in Court Square, again endorsed him and his plan of restoration, and elected delegates to the Philadelphia convention, called by the National Union party, with a view to uniting all those who were in favor of the president's policy, and that efforts might be set on foot to influence the congressional elections in the fall. "The probability of building up a party that might be able to resist that one which sustained the revolutionary Congress, was based upon the belief that the Democracy would cooperate with any organisation which promised the overthrow of radicalism. In this expectation the friends of the president were not mistaken. Forty one Democratic members of Congress signed an address to the people of the United States, in which they declared their cordial approval of the call for the National Union Convention, and their endorsement of the principles which it enunciated. The reasons alleged by the signers of this appeal were, that dangers threatened the constitution; that the citadel of the public liberties was assailed, that it was essential to the national Union, that the rights, the dignity and the equality of the States, including the right of representation and the exclusive right to control their own domestic concerns under the constitution, should be preserved; that eleven States were unjustly excluded from the national council, and that whilst denied representation, laws affecting their highest interests have been passed without their consent, and in utter disregard of the fundamental principles of free government."[1] This convention, held in June, was successful in an enthusiastic and unanimous endorsement of the president's policy, which was the main reason for its existence, and it broke the force of the wave of destructive radicalism that threatened to engulf the constitution itself. Some of its resolutions were not what the South would have adopted had she been free, but they were politic, and for policy's sake they were swallowed with the rest as the best that circumstances would permit. The people of Memphis were greatly

prior conduct as military governor of Tennessee, and president of the United States. In objecting to the bill, because of its military character, the executive was simply, unconsciously as it were, passing sentence upon his own conduct, in permitting up to that period and afterwards, the writ of *habeas corpus* to be suspended in the eleven States of the South. If opposed in principle to the execution of military law by that part of the army charged with the execution of the Freedmen's Bureau, why did he permit the same kind of authority to be carried into practice by the other divisions of the army? The fact is undeniable that military commissions up to that period, with the president's sanction, had been held all over the South; and these had consigned men to penitentiaries, and inflicted other odious punishments in violation of the plainest provisions of the constitution. But the breach between the president and the radicals was now complete by his veto.

[1] Alexander Harris, "A Review of the Political Conflict in America."

encouraged by this convention, and when General Frank P. Blair, who had fought on the Union side during the war between the States, was received by the board of mayor and aldermen as the guest of the city, they acquiesced and greeted him warmly as he rose to speak, at a mass meeting held on the 25th of August, to endorse the president, who was also invited by the board on the 4th of September to be the guest of the city. The people were full of gratitude for what the stubborn chief executive had done and was doing for constitutional liberty. They rose to the height of events as they occurred. On the 19th of September the Confederate soldiers, who had hitherto remained silent, endorsed the president at a mass-meeting, whereat a resolution of kindred feeling and sympathy from a convention then in session at Cleveland, O., was read "amid the wildest enthusiasm." The ice was at last broken. Brownlow and his Legislature were no longer to have things their own way. General Blair, who, on the 22d of this month, again addressed the people at Odd Fellows Hall, was introduced by General Forrest. Following this came the announcement, on the 29th, of the president's veto of the civil rights bill, which was merely a supplement to the Freedmen's Bureau bill, and was part of a scheme for perpetuating military rule in the South and subverting State sovereignty; it was the precursor of the constitutional amendment conferring the right to vote upon the negro; it was one of a series measures that had been concocted for the overthrow of the government of the people, like the bills to territorialise the South, to confiscate the real estate and other property of the people of the South, to annul the pardons of the president, to exclude the mass of the Southern people from political rights, to divide among the freedmen the lands of the South, and to confer the supreme rights of government upon the ignorant blacks, as already had been done by the Legislature of Tennessee. All these measures were smothered in the committee-room, for radical as the North had become no one of them could have been pressed towards passage in the House or Senate without endangering radical ascendancy; the radicals were even at this time afraid to propose negro suffrage. Yet they passed the civil rights bill over the veto as they had passed the Freedmen's Bureau bill in May. While this was considered a "set back" to the National Unionists and Conservatives, the people of the South, with the example of the president's pugnacity and tenacity before them, prepared for the fall campaign. The Johnson Club, especially the Conservatives of Memphis, on the 7th of October nominated W. W. Coleman and Dan. Able for the Legislature, and John W. Leftwich was nominated for Congress by the Conservatives of the district. These were elected, but the radicals were triumphant in the judicial elections. W. O. Lofland was elected mayor, defeating John Park. This election was fruitful of much dispute. Mayor Park denied Governor Brownlow's right to call the election, the Legislature rejected Able and seated W. R. Moore, the radical candidate, who resigned, and with Coleman, who had also been un-

seated, returned home. At an election ordered for the 28th of November, Able and Coleman were re-elected and both went up to Nashville, but the Legislature again refused to seat Able. The board of aldermen also found itself in a quandary as a result of this election. Eleven of the members elected had neglected or refused to take the oath prescribed for candidates before being voted for, and there were grave doubts whether they should be permitted to take their seats. But all the members of the old board declined to hold over, and the new were sworn in, and that, too, in the face of an adverse decision by Chancellor W. J. Smith, who, on an application by Martin Kelly, candidate for city tax collector, for an injunction to restrain John H. Bowen, a candidate for the same office, and who had received the highest number of votes, decided that the former had been elected; but on the 14th of November Mr. Kelly withdrew his injunction and Mr. Bowen was sworn in. The board of aldermen had, during the year, a great many questions of importance to consider, some of which were discussed to the point of tediousness. One of these was the paving of the principal streets with what is known as Nicholson pavement, which at last was determined upon, on the 19th of December, by the passage of an ordinance to that effect. Many tax-payers opposed the scheme, and some of them went so far as to sue out an injunction restraining the city from prosecuting the work, but this was ultimately withdrawn and the pavement was put down. There was also a question as to the street railroad company's right of way, but on an appeal to the courts a decision was given by Chancellor Smith in favor of the company. The tax assessments and tax levies of State, city and county, as well as the Federal government, were a source of much contention and debate. As to the assessments, Mayor Park sustained them in a special message to the board, in which he said that the property owners who did not like the assessments could sell their property at that valuation, and persons stood ready with the money to purchase. The mayor did not, of course, see that this was practically a process of confiscation as arbitrary as any of the enactments of the radical Legislature or more radical Congress. But the property owners paid no attention to it. A number of them banded together and sued out an injunction before Chancellor Smith, restraining the collection of the two per cent. tax, to which there was to be added the State and county taxes, which were very high, on an assessment nearly $200,000,000 less than that of 1860–61. A still farther complication of the tax trouble grew out of the fact that in many of the localities tax-payers still declined to pay taxes due on property occupied during the war by the Federal government the board was compelled, at the urgent recommendation of the mayor, to concede the equities in such cases and grant exemptions from taxation with the proviso that such claimants should give bond and security to the city, that if the United States government at any time compensated them they would promptly pay the taxes thus exempted. The

expenses of the government were at this time enormous, while the mass of the people were impoverished and unsettled. In connection with the income of the city, a question as to the tax receiver accepting Little Rock Railroad coupons from the bonds of that road, endorsed by the city, for the rents of navy yard property was decided by City Attorney R. J. Morgan, who declared that the city could not take anything, not even its own indebtedness, in payment of such rents, but must receive these coupons and par funds. In connection with the financial condition, there was some debate in the board over the issue of bonds to fund the floating debt, and it was after several weeks resolved to issue $250,000 at ten per cent. interest, payable in Memphis. The preparation of amendments to the city charter also took up some time, their being special opposition to the extension of the city limits, and the embracing of Chelsea, which the Legislature finally acquiesced in. One of the amendments, stricken out after much debate, was a clause giving the freighting company the right of way on the bluff. This company was chartered for the purpose of unloading steamboats and flat-boats by elevators to be located at three different points on Front row, and for the distribution of freight within twenty-four hours after their receipt. The company was of course to pay rent for the ground and taxes. But a clamor was raised, and the council after some length of time declined to consent to the necessary rights of way, and suits were the result that finally resulted in the defeat of a great enterprise, the necessity for and value of which to the city was in a few years subsequently confessed by almost the same concessions it asked for being granted to the St. Louis Elevator Company, which erected an elevator below Union street, immediately over the river at high water. The same board of aldermen that declined to accede to the petition of the Freighting Company granted the right of way and a lease for twenty years of certain lands near the mouth of Wolf River, to one of their own number, Alderman D. R. Grace, at an annual rental of $150 per year, on condition that he would erect marine ways within a twelve-month thereafter. Failing to comply with this stipulation the lease was revoked. A gift from John H. Speed, W. D. Deaderick and W. P. Deaderick of one hundred acres of land for use as a public park, on certain conditions, was accepted, and an appropriation was made to enclose it and lay it off in walks, and it was named Central Park. On the 30th of October, Judge Leonard made a report of the financial condition of the county that was quite as depressing as any exhibit made by the city. He showed that the interest on $300,000 of county bonds issued to the Memphis and Ohio Railroad Company had not been paid since 1861, and that it had accrued to the amount of $127,400; that a contract for the building of a jail on the corner of Chickasaw and Auction streets, involving an expenditure of $142,000 had been made in April of 1865; that the tax levy of January would produce only $90,917.68, leaving a deficit to be made up for of $51,582.32, and warrants to the amount

of $54,857.76 had been issued since the 11th of April, of which $35,516.70 remained unpaid for want of funds. Of the taxes levied $47,483.58 had been collected, and it was presumed $20,000 more would be collected, which would leave another deficit of $13,000. To meet this untoward condition another levy of the ¼ of one per cent was ordered by the court which declined a suggestion of Judge Leonards to sell certain county property on Adams street, and he was ordered not to issue any warrants except in payment of work on the jail and only as work progressed, retaining twenty per cent. on the work completed; and it was further ordered that the finance committee effect a loan of $50,000 from the banks to complete the jail before the cold weather set in.[1] Yet, notwithstanding this discouraging condition of the county, which was quite paralleled by that of the city and the State, and the fact that Chancellor Smith had declared Bank of Tennessee notes receivable in payment of State taxes, and that General Forrest and two hundred of the leading citizens of Memphis had been indicted by the Federal Grand Jury for treason, steady progress was being made by the people in the work of rehabilitation. More than fifteen hundred buildings were under construction, the corner-stone of St. Patrick's Church was laid, the synagogue Bethel Emeth was consecrated, the Wolf River turnpike was chartered, the Citizens' Union Bank was chartered, the Overton Hotel was leased by Steadman Bros., of Nashville, the Board of School Visitors had contracted with J. B. Cook for the erection of the first school building, and the Memphis cotton mills, under the management of G. W. Cheek & Co., was running five thousand spindles, and employing ninety operatives, being one of the first cotton mills put in operation in the South since the close of the war. The Ladies Benevolent Society, providing relief and artificial limbs for maimed ex-Confederate soldiers, were soliciting funds for the building of a monument to the Confederate dead, and on the 26th of April decorated their graves at Elmwood with touching memorial services. The courage of the people was inexhaustible. They had heart for every fate of calamity, and endurance for every humiliation and trial put upon them by their enemies. The theatre and opera house were well patronised. Helen Westren appeared at the former house in January, and Lawrence Barrett in September, Emily Melville occupying the stage of the Opera House at the same time. In the last week of October the latter house was closed for want of funds, Manager Thompson of the theatre kindly giving a benefit to the necessitous company. In November Edwin Adams and the Patti-Strakosch Italian Opera appeared at the theatre, and the Webb Sisters and Grover's Opera Concert Company at the Greenlaw Opera House, and in December Laura Keene and Lawrence Barrett appeared at the theatre. Besides these performances a number of concerts and public entertainments were given by the ladies of the city in aid of the several charities and churches, all of which were well attended, and were very successful.

[1] The county was at this time unable to pay the city $15,000 for the board of the county prisoners who were lodged in the station house while the jail was under construction.

Late in December the Chamber of Commerce, now thoroughly re-established, made preparations for sending cotton to the Paris Exposition in 1867, and accepted types of cotton from the several cotton growing regions of the world presented by Bronson Bayliss. The citizens also entertained the General Assembly of the Presbyterian Church, South, which met at the First Church in November, and gave a banquet at the Gayoso House on the 29th of December to a congressional excursion party from Washington, organised for the purpose of preventing the sale of the railroads of the South, on which the government had claims to the amount of over $32,000,000 for rails and rolling stock. A congressional committee had reported in favor of immediate sale, but the owners and officers of the road asked for further time in which to convince the committee by personal observation of the rapid recovery of the country from the effects of the war and their ability to pay the debt in a few years. The excursion was the result. It was in charge of Colonel Markland of Kentucky and Mr. J. M. Keating, of the *Memphis Commercial*, and though the parties invited were many of them of the most radical type, was quite successful. General Forrest at Memphis, and General Beauregard at New Orleans did the honors and the guests were profuse in expressions of gratification at the free-hearted hospitality of the people, and their frankness and candor as to their attitude toward the Federal Government. The railroads were saved to the people, and many of the leading radicals were cured of their bitterness towards the Southern people. An eventful year for Memphis in every point of view, 1866 had its special burden of calamity. The cholera prevailed in epidemic form from the 10th of August to the 6th of October, and was especially destructive among the negro population, thousands of whom were greatly enervated by the self-indulgence that was to many of them a first result of their recently acquired freedom. Besides this there was the burning of Specht's Restaurant in December, and the loss of fourteen lives; the sinking of the steamer *Memphis* near Pine Bluff; the explosion of the steamer *Miami* and the loss of a great many lives; the explosion of the *R. J. Lockwood*, near Cat Island, eighteen miles below the city, and the loss of the *Von Puhl* near Donaldsonville, General Fizer of Memphis, barely escaping from her with his life. The deaths of well known persons during the year were unusual in number. In January, F. H. Clark; in April Colonel A. B. Taylor, an old citizen who served with Jackson in 1812; in July, the Hon. W. K. Poston and Judge Bernard F. McKiernan; in August, Dr. William C. Bryan; in September, Rev. J. W. Wheelock and B. M. Whapples, an organist and composer of merit; in October, James Malatesta; in November, L. C. Steadman of the Overton Hotel; and in December, C. C. Cleaves and Ed. O. Eaton, an organist and composer of great promise, who, when a child, was known in Boston as "the boy organist." He served gallantly throughout the civil war as a member of the celebrated Washington Artillery of New Orleans, where he was in the practice of his profession at the outbreak of hostilities.

II.

MAYOR LOFLAND, who had been elected to succeed Mayor Park on the 13th of October, served until January of 1868, in accordance with the amendments to the charter passed by the Legislature November, 1866, given in the preceding chapter. During his term of office Mayor Lofland issued of bonds—No 1 of $1,000, and No. 1 to 4 of $500 in exchange for city coupons; Nos. 2 to 4 of $1,000 to Memphis and Little Rock Railroad; No. 5 in exchange for city coupons; Nos. 6 to 44 to Memphis and Little Rock railroad; No. 44 in exchange for city coupons; Nos. 45 to 52 to Memphis and Little Rock Railroad; Nos. 52 to 53 in exchange for city coupons; Nos. 53 to 54 to Memphis and Little Rock Railroad; Nos. 54 to 55 in exchange for city coupons; Nos. 55 to 56 to Memphis and Little Rock Railroad; Nos. 56 to 57 for city coupons; Nos. 57 to 58 to Memphis and Little Rock Railroad; No. 58 in exchange for city coupons; Nos. 59 to 65 to Memphis and Little Rock Railroad; Nos. 66 to 67 in exchange for city coupons; Nos. 76 to 123 for collateral on bills payable; Nos. 124 to 130 in exchange for city coupons; No. 131 to Memphis and Little Rock Railroad; Nos. 132 to 145 in exchange for city coupons; Nos. 146 to 147 collateral for bills payable; Nos. 148 to 152 for lost bonds; Nos. 153 to 176 in exchange for city coupons; Nos. 177 to the Memphis and Little Rock Railroad. The default of interest on railroad bonds, the failure of the citizens to pay taxes and the reckless extravagance and mismanagement in public affairs had forced upon the board of aldermen the necessity for thus funding the whole floating debt of the city—including ledger balances, scrip, and bills payable—and on the 16th of January an ordinance to that effect was passed and referred to the finance committee by which it was reported back, with a petition to the Legislature asking for the passage of a law permitting funding and refunding. The debates in the board during the year were devoted chiefly to the Metropolitan police, the expenses of which were cut down from $151,000 asked, to $125,000 granted; to the street railroad which was denounced as a nuisance, had failed to comply with certain city stipulations and was charging ten cents per passenger; to charges of bribery and corruption in connection with the Nicholson pavement, none of which were sustained; to the discussion of scrip and cash, city employees to be paid in the latter or its equivalent in scrip at the current market rates; to the levy of a special tax to discharge the due debt, for which a special committee was appointed to memorialise the Legislature; the organisation of a Board of Water Commissioners on a system of water works that were to cost from two to three millions of dollars; to the discussion of contract and right of way for the Gayoso Gas Company; to a petition that the city issue bonds for a certain amount of its stock; and an amendment of the city charter extending its

limits. The Legislature passed an act providing for the funding of the city debt, another repealing ward registration, and a third extending the corporate limits so that they embraced a territory beginning at the mouth of Wolf River, and extending to a point directly east on the Raleigh road, thence to Brinkley avenue, south on a line with this avenue to Dunlap street, and by Dunlap street to Walker avenue, thence west to the Mississippi River and by the river to the place of beginning. The Legislature also abolished the Quarterly Court and substituted for its cumbersome machinery a board of five county commissioners, three of whom were to form a quorum, the clerk of the County Court to be its recorder, the salaries of the commissioners to be, of the president $3,000 per annum, and of the others $2,000, the commissioners not to be interested in any contracts by the county; they were empowered to administer oaths, and appeals from their decisions were to be taken to the Circuit Court of the county or the Law Court of Memphis. By the same act a Municipal Court was provided for, which was to have a law jurisdiction concurrent with the Law Court and to have exclusive jurisdiction in all cases appealed from the Recorders or Police Commissioners Court of Memphis, appeals and writs of error to lie in all cases from it to the Supreme Court, the county of Shelby to provide court room and appurtenances and pay the salary of the judge. This law was opposed by a majority of the citizens, not because it was in itself a bad one, but that it was to be administered by radical appointees of Governor Brownlow, one of whom, Barbour Lewis, and who was elected president, was especially obnoxious to the people. Its constitutionality was questioned from the first, and this was made the strongest point of opposition to its passage, another being the additional expense in salaries that it was to impose on the taxpayers who were already unable to meet the burdens put upon them, which amounted almost to the confiscation of the earnings of capital. This act furnished texts for furious partisan debates which were continued from day to day. The board having organised, proceeded to levy a tax of ninety cents on the one hundred dollars; forty-five cents of which President Lewis explained to the *Appeal* was to pay the interest on the bonded debt of the county, which hitherto had been neglected, the remaining forty-five cents to be devoted to the repair and building of bridges, and the repair and refurnishing of court-rooms for the courts, of which the county then had six. The condition of the taxpayers had become deplorably distressing. Mr. Loague, the County Court clerk, still refused to take Bank of Tennessee money in payment of State taxes until the Supreme Court had decided it legal and right; public debts were being increased every day, and the public creditors were becoming clamorous, yet there was no relief or release but rather an increase of burdens to the point of bankruptcy. The press kept this steadily in view, but the public was more or less distracted by fruitless discussions about the appointment and removal of officers, the defalca-

tion of City Comptroller P. T. Hughes for $27,000, charges against Beaumont that were never proven, and the generally wretched politics and radical politicians of the time, all of whom were held in aversion by the people who regarded them as interlopers and usurpers of their authority and power. This year the negro appeared for the first time as a citizen and voter, asserting in a noisy, effusive, and clumsy way his rights and privileges, but the Conservatives having grown in strength and independence had resolved to confront radicalism everywhere and nominated State and county tickets, and entered upon a vigorous canvass to elect them. Emerson Etheridge was nominated for governor in May, John W. Leftwich was re-nominated for Congress, John W. Smith for State Senator, and Dan Able and W. W. Coleman for representatives. Etheridge made a superb canvass, and may be said to have broken the backbone of radicalism, though it triumphed again in the person of Brownlow, the negroes in a body rallying to his support to repay him for their enfranchisement and the recently conferred right to hold office.[1] Leftwich was defeated. Orth and Nunn, the Radical candidates, were elected. Mr. Etheridge, an eccentric man of much independence of character, deep thinker, and voluble speaker, was well known as an earnest Union man, who at the beginning of the civil war was compelled to leave his home on account of his opposition to secession. He heartily supported President Johnson's plan of restoration, and freely advocated the reinvestment in every citizen of the rights and privileges of which they had been divested by the radical State government. A man of brilliant parts, Mr. Etheridge was more than a match for Brownlow, who was remarkable chiefly for his powers of invective, vituperation and denunciation, with a good cause, the best that a public speaker could wish for. Etheridge was irresistable on the stump. The canvass created the greatest possible excitement throughout the State, so much so that Brownlow's State Guards were called out and were strengthened by detachments of Federal troops, but the election passed off quietly, the Radicals being successful almost everywhere with the assistance of the negro vote, and the rigid enforcement of the disfranchising law. But the force of this was broken by the election in October of Brownlow to the United States Senate to take his seat on the 4th of March, 1869. In November preparations were made by both parties for the municipal election. Colonel W. F. Fitch, secretary of the Memphis Gas Company was nominated for mayor by the Radicals; A. T. Lacey, by a Conservative convention; and J. W. Leftwich, by a Conservative mass meeting. The canvass, notwithstanding the effective aid given by the Loyal Leagues to the Radicals was comparatively quiet, and although the Conservative vote was divided, the result was the election of Leftwich. Fearing a return of

[1] Governor Brownlow during his whole career up to the breaking out of the war was the most uncompromising of pro-slavery advocates, and held the negro to be little better than a brute.

the cholera, the board of health, very much hampered by the mistaken views and inadequate support of the board of aldermen, made what preparation was possible to it in case of a recurrence of the epidemic, and began an oversight of the sanitary affairs of the city, the mayor having called their attention to the fact that the bayou was being made a sewer of by certain parties in defiance of the ordinances. A quarantine was established, and something that had the appearance of vigilance was exercised, notwithstanding which, however, the cholera reappeared early in the summer and claimed several hundred victims, gradually abating towards the end of August, by which time a number of prominent citizens had died of yellow fever, which was not however declared epidemic until September. This third epidemic of a dreaded disease visited Memphis at a very critical juncture in her history. Intervening between it and the second, came the Civil War and the subsequent political trials, during which the impressions left by the epidemic of 1855 had passed from the minds of a population that had grown to three times its then proportions, and many of whose traditions had been swept away by the tide of revolution. The problems of social and political life exclusively monopolised attention and consideration. The rehabilitation of homes and hearths, well nigh ruined, was of more importance to them than any other, or all the rest of the issues of life. Everything was forgotten in the struggle for existence, aggravated as it was by the merciless attitude of the Federal government in the control of the Northern States, the cunningly devised agitation of political leaders, and by the shadow of the first series of commercial disasters, by which Memphis suffered in common with all the other trade centers of the Union. Thus sitting amidst the ruins of the past, overwhelmed by the memories of a war, on the results of which all had been staked, by the gloom engendered by defeat and by the foreshadowing clouds of a future that proved worse than the most forlorn croakers could conjure, with an almost criminal neglect of the simplest sanitary law, Memphis was for the third time, in September, 1867, visited by a plague, the origin of which is still a question, the sad results of which alone are apparent. It made its appearance late in the season, yet it lasted more than seventy days, the first two deaths occurring in the week ending September 29, and the last three in the week ending December 1. Five hundred and fifty persons died out of two thousand five hundred sick. The necessities of this dread emergency, unlooked for and unexpected, suggested the re-organisation of the Howard Association, of Memphis, which took place on the 29th of September, 1867.[1] On the day following announce-

[1] The following are the names of the members: R. W. Ainslie, William Everette, H. Lonargan, John Heart, C. T. Geoghegan, J. K. Pritchard, A. D. Langstaff, J. B. Wasson, J. P. Gallagher, Jack Horn, E. J. Mansfield, John Park, Rev. R. A. Simpson, Dr. P. P. Fraime, J. P. Robertson, T. C. McDonald, J. T. Collins, E. M. Levy, W. A. Strozzi, E. J. Corson, Dr. A. Sterling, A. A. Hyde, G. C. Wersch, W. S. Hamilton, A. H. Gresham, Fred Gutherz, W. J. B. Lunsdale and J. G. Lunsdale, sr.

ment was made through the press that it was prepared to provide medical attendance, nurses and medicines for the indigent sick. Physicians and ministers of the various religious denominations were requested to co-operate and report all the yellow fever cases coming to their knowledge which needed the help of the association, which soon found its hands full. All the members were shortly employed, and before the end of the second week it became necessary to call for aid and assistance. The call was promptly responded to by the citizens of Memphis and the surrounding towns, so that the association was at once enabled to employ skilful nurses, among them several from New Orleans. The total subscriptions footed up $4,996.56. A great good work was accomplished, and only two of the twenty-eight members died of the fever. The beneficent results of their work endeared the association to the citizens, who learned at the close of the epidemic, with unfeigned pleasure, that a charter had been applied for with a view to a permanent organisation.[1] This accomplished, and now a body corporate, with powers adequate to any emergency of epidemics, the association was reorganised with a greatly increased and influential membership. Besides the epidemic and the commercial depression, Memphis was visited by three disastrous fires in 1867,—one in the navy yard involving a loss of $85,000; another at the corner of Main and Adams streets, involving a loss of $100,000; and still another in the Woodruff Block, loss $50,000; besides which there was a dreadful loss of life by the explosion of the steamer *David White*. She also had to sorrow for the death of an unusual number of well known and useful citizens,—in February, that of George L. Holmes; in March, of William M. Folwell, a well-known banker; in April, of a former city attorney, General S. P. Bankhead, who was assassinated at the corner of Washington and Main streets, by whom and for what has always remained a mystery; in May, of Mrs. Sallie H. Dixon; in June, of W. R. Smith; in July, of Alderman S. T. Morgan; in August, of Dr. George W. McCarin, president of the Southern Life Insurance Company, and George W. Thompson, bookkeeper of that company; in September, of Dr. Matthew L. Ramsey, assassinated on the Raleigh road; in October, of Major Pickett, Judge Thomas G. Smith, Secretary William Everett, of the Howard Association; the Rev. Dr. Davis, pastor of the Cumberland Presbyterian Church; of J. B. Mosely and Dr. T. J. Sale; in November, of J. Malatesta, killed by Angelo Marre. But notwithstanding these sad circumstances of death and disaster, the citizens devoted themselves hospitably to the entertainment in May of the members of the Southern Baptist Convention, the general assembly of the Cumberland Presbyterian Church, the convention of the Protestant Episcopal

[1] The first association of this kind was organised in New Orleans, in 1853, when it and other Southern cities were so cruelly afflicted with the fever, and such horror and panic were excited that husbands deserted their wives, parents their children, and the ties of a common humanity were shattered.

Church in Tennessee; of the National Typographical Union which met in the hall of the Chamber of Commerce in June; and of the Mechanical and Agricultural Association, of which General Forrest was president, and which met in July. They also subscribed liberally to the fund for the relief of the widows and orphans of Confederate soldiers; decorated the graves of the Confederate dead with appropriate ceremonies; celebrated the old folks' anniversary becomingly; and sent abundant relief in money, clothing and food to the sufferers by a recent and unprecedented freshet. General Beauregard was enthusiastically received in February, the Citizens' Union Bank was opened with *eclat;* the city hospital was declared admirable by an inspecting committee in August, and placed in charge of a board of trustees with a salary of $2,000 for its president; the new jail, the finest in the United States, was opened in December; and the Marine, Railway and Dock Company, with Captain Shirley for president, was organised. The theatre was, during the year, well patronised, Vestvali appearing in January, Ristori in February, Chanfrau in March, and Edwin Forrest, the renowned tragedian, in May. The events in connection with the press were, the assumption in February of the editorial control of the *Appeal* by General Albert Pike, the death of William A. Whitmore, founder of the *Ledger*, the assumption of the editorial direction and control of the *Bulletin*, by Admiral Semmes, and the arrest of Gallaway, Rhea, & Cluskey, editors and proprietors of the *Avalanche*, for contempt of court, on a bench warrant issued by Judge Hunter, of the Criminal Court, whom they had for some days been criticising severely for his methods in the administration of the law. Judge Hunter was, what at the time was called a carpet-bagger. He had been a Federal soldier, was a lawyer of some ability, a man of scholarly tastes and much refinement, testy of temper and obscure of judgment where he himself was concerned. He was in full sympathy with the radical policies of Congress and the State government, and was inclined to be severe, some charged unjust, in cases involving the enforcement of any of the politico-criminal laws of the time. This made for him a photograph, from which subsequently he could not escape, and whatever his good points—and he had many—they were obscured. The *Avalanche*, edited in sympathy with the disfranchised majority, and with an ability that the public recognised and generously responded to, reproduced this unflattering photograph, with additional touches of its own, and thus intensified the detestation in which the judge was held. The persistency of his assailants and the vigor and freshness with which they renewed the attack every day, at last had its effect. The judge lost his balance, he could not any longer maintain his equipoise, nor the dignified silence as to things beyond his court, which he had up to this time preserved, and he revived an ancient assumption of law which, in spite of exhaustive citations of law and practice by defendants' attorneys, he enforced by fining his victims for the first and second contempt of court ten dollars each, in each case, with im-

prisonment until the fine and costs were paid, and for ten days after; for the third case, imprisonment until they answered interrogatories as required. John M. Campbell, city editor, also, for scandalizing the court by libellous articles in the *Avalanche*, was fined ten dollars, with imprisonment in jail until the fine was paid, and ten days after. Two days after this decision, and on the 4th of February, Judge Hunter ordered that in the four other cases standing against the defendants, Gallaway, Rhea & Cluskey, they each be fined in the sum of fifty dollars in each case, and be imprisoned until the fines and costs are paid, and until they answered the interrogatories of the court. This, defendants demurred to, and they were accordingly taken to jail, whence they were released on a writ of *habeas corpus* sued out before Judge Waldran, of the Municipal Court, who set a day for a hearing of the case. This brought that judge in conflict with Judge Hunter, who ordered his arrest. The order was served late at night. Pending a hearing of it, on a midnight visit by the city editor, Jack Campbell, accompanied by sixteen young men who pretended to be members of the Ku-Klux-Klan, Judge Hunter closed his court until his personal safety and its dignity could be assured. Judge Waldran, on a hearing of the plea of defendant, decided that he had no jurisdiction, and the prisoners, Gallaway, Rhea & Cluskey, and Campbell, also, were remanded to jail, but on farther request by council, were granted their liberty for ten days longer, pending an appeal to the Supreme Court, whence on the 1st of May defendants obtained writs of error and *supersedeas* suspending and staying the judgment of the Criminal Court committing them to prison for contempt, and the judgment in the Municipal Court on *habeas corpus*, remanding them to custody pending a decision on appeal. The eminent counsel of Gallaway, Rhea & Cluskey and Campbell, were "fighting for time," and were very successful, Judge Hunter's position exciting more and more of the contempt of the community as the contention dwindled to a mere question of imprisonment for refusing to answer interrogatories, which they did in the exercise of the right of self-protection, the whole case being, after all, but one of libel, for which the *Avalanche*, its editors and proprietors were responsible in a civil suit for damages, and additionally were liable to arrest and punishment under the law of criminal libel. This was the position taken by the bar of Memphis, who, at a meeting held on the 11th of June, 1868, received and adopted a report and resolutions on the questions at issue in the *Avalanche* contempt case. The committee reporting, said: "The law provides the remedy for private and public wrongs by defamatory publications, by an action for damages and by indictment, and the defendant may give the bench in evidence. But a judge must submit to the same test of truth as other men, all being equal in this respect before the law. He has no right to drag an offender before him for a libelous publication not coming within any of the specifications of the code, and to act at once as the accuser, witness, judge and jury. To do so calls for the most earnest and em-

phatic rebuke of the profession." The resolutions, of which there were six, then followed, the last being in these words: (6). "That we do, therefore, in the name of the legal profession, and in behalf of liberty and law, hereby record and make public our deliberate and united and emphatic remonstrance against the exercise of the power to imprison for contempt in any other cases than those enumerated in the statute law of the land, as being in its nature corrupting to the judge, oppressive to the citizen, dangerous to liberty, and in violation of the fundamental principles of our government." This was the view taken of the case by the Supreme Court, which held that "there are no punishable contempts of Court in Tennessee, except those specified in the statutes." And thus Judge Hunter's fume and fret went for nothing. The case created a great deal of interest and excitement, and increased the popularity of the *Avalanche*, which was a fair expression of the indignant protest that was every day going up from the people it so worthily represented. The *Avalanche's* cause became their cause, and Gallaway, Rhea & Cluskey became the heroes of the hour, the former especially, as it was mainly his editorials, singular and original mixtures of invective, contempt, denunciation, satire, humor and wit that forced the judge to invoke the aid of a forgotten rule of court for his protection. The Ku-Klux-Klan mentioned in connection with Campbell's midnight visit to Judge Hunter's residence, and of which Colonel Beaumont, superintendent of the Metropolitan police, subsequently attempted to make political capital, had already excited the apprehension of the State authorities, was the complement of a politico-military order known as the Loyal League, which had its origin in Nashville, and was organised for the purpose of sustaining the Brownlow government in all its measures of oppression, and of holding the black and white supporters of that government to a solemn compact of self-support, for, in possession of the State government and sustained by the Federal government, self-protection was out of the question. Besides the Loyal League, there were other organisations of a similar character, as "The Constitutional Alliance," and the "Grand Army of the Republic." Under these circumstances, and to protect themselves from the thieving marauders who plied their trade behind an assumption or want of loyalty, with the Federal and State governments against them, the people had recourse to a counter secret organisation known as the Ku-Klux-Klan (the K. K. K.), which patrolled and policed the country districts, the members riding in companies in a strange uniform consisting of a long robe with a cowl and mask made of white or black muslin, and in most instances covered with fantastic figures in colored cloth. The members known to each other in their published proclamations as "ghouls," and sworn to secrecy, met in "dens" presided over by a "cyclops." The county, known as a "province" was controlled by a "grand giant" and four "goblins"; and a Congressional district was termed "a dominion," commanded by a "grand

titan" and six "furies." A State was a "realm," commanded by a "grand dragon" and eight "hydras," and the whole "empire" was under the supreme command of a "grand wizzard" and ten "genii." When making the circuit the members in any number bore a yellow flag scalloped and bound with red, with a flying dragon painted upon it in black, with the motto: "Quod semper, quod ubique, quod ab omnibus." This order, thus fantastically and ingeniously equipped and organised, was founded by three young men in Columbia, Maury county, one of whom had been a general officer in the Confederate army. It originated with them in a desire to assure protection to themselves and their neighbors, and proved so efficient that it shortly after spread all over the State, and eventually over nearly the whole South. It terrorised the negroes, who, unable to understand or comprehend it, came to dread it as a thing of almost unearthly origin and superhuman power. The movements of the order were exaggerated to them, and the sameness of its uniform and movements made them seem ubiquitous and all the more to be dreaded. The Constitutional Alliance and Loyal Leagues were shortly confined to their lodge-rooms, forays upon the farmers ceased, and there was comparative peace where before people were living in a state of siege or of war. So complete was the change and so great the terror inspired by these companies of silent and ghost-like men, patrolling along the country roads and disappearing always in the neighborhood of a grave-yard, that Governor Brownlow, urged by the fear of a revolution that would dispossess him of his power, issued a proclamation convening the General Assembly in extraordinary session on the 27th of July, on which day both houses were called to order at the State capital, receiving, so soon as organised, a message from the governor, calling attention to what he termed some recent Ku-Klux outrages, and recommending the reorganisation of the State militia with a view to its suppression, and that the Ku-Klux be declared outlaws and punished with death wherever found. He also advised some action in regard to the State finances, already in a deplorable state of muddle. In accordance with these recommendations, a bill was passed for the reorganisation of the State militia under the name of the "Tennessee State Guards," and giving the governor power to declare martial law wherever and whenever he might deem it necessary, thus conferring upon him autocratic power to supersede the civil by the military authority at his pleasure. The Legislature was petitioned in vain against this surrender of the power of the people, but the majority was determined to rule and ruin, and the law was passed. The effect of this was immediate, abroad as well as at home. State bonds in a month had declined twenty-five per cent., and the intelligence and wealth of the State were everywhere within its borders holding meetings to protest against a law that invited additional confusion and bloodshed. There was no necessity for so sweeping a measure, even if the state of rebellion that Governor Brownlow had proclaimed existed. The laws already on the statute

books gave him all needed power to deal with insurrection or rebellion or riot in a summary way, and to call out the militia at his pleasure. The Confederate generals in council at Nashville entered their solemn protest for themselves and the men who fought under them, that they were pursuing the arts of peace and were obeying the laws according to the terms of their paroles. They were helpless to interfere even in their own behalf, and were compelled to look on as unwilling witnesses of the destruction of the credit and good faith of the Commonwealth, the rapid tendency towards its disorganisation and the ruin of the people. Brownlow, who was a passionate and a vindictive man, paid little attention to these and other protests. He was determined to make the world believe, as he pretended to believe himself, that the ex-Confederate soldiers were engaged in a scheme to overturn the State government, which, being in the majority, they had a right to do, but had no idea of attempting, notwithstanding the justification offered. Coming back to the Legislature, that body found it necessary to appoint a committee to investigate the State's finances, especially the school fund, which had been erroneously reported safe, but a large proportion of which it had been ascertained had been stolen. Besides which the bonded debt had grown to enormous proportions, and had been more than doubled in the three years of radical rule.[1] But we must turn our attention for a time to city affairs, which,

[1] On the 21st of February, 1856, the sinking fund was increased to two per cent. On the 20th of March, 1860, an act was passed providing for the equalisation and investment of the sinking fund as directed, that the money or bonds paid to the sinking fund commissioners should be placed direct to the credit of the party paying them, and operate as a release to said party for that amount on the debt due by them to the State; and the sinking fund was still further increased to two and one-half per cent. But a few bonds were retired under this act before the Civil War commenced, and its effects were only in part felt to be acknowledged, however, as good. Up to this time (1860) the bonds issued by the State were as follows:

1860, To Railroads	$14,841,000
1833–1838, To Union Bank and Bank of Tennessee	3,000,000
1836–1854, To Turnpike Companies	1,323,000
1848–1860, Building Capitol	1,166,000
1856, Agricultural Bureau	30,000
1856, Buying Hermitage	48,000
	$20,408,000
1860–1862, War Bonds (repudiated)	5,000,000

After the Civil War, from 1866 to 1868, when the taxable wealth of the State had shrunk $388,936,794 in 1860 to $225,393,410 in 1867, there was issued:

1865–1867, To Railroads	$14,393,000
1866, To Turnpikes	113,000
1866, To fund the interest due (1860–1865)	4,941,000
1868, To fund past due coupons	2,200,000
	$21,647,000

In addition to this, by an act passed May 24, 1866, incorporating several turnpike companies, the stock of the State in the East Tennessee, Virginia and Georgia Railroad, amounting to $425,000, was turned over to that company.

during 1868, were of absorbing interest. John W. Leftwich, who had been elected, defeating Fitch and Beecher by nearly 500 votes, was sworn in mayor in January, was a great favorite with the people. He was a gentleman of very amiable temper and manners, was by nature conservative, but firmly set in his principles and was honorable and reliable. He had served two terms in Congress with great credit, proving himself to be a most useful supporter of the administration of Mr. Johnson, who held him in high esteem, so much so that General Gordon Granger, commanding the post of Memphis, deemed it proper to telegraph the president of his success, which he did in these words: "Memphis redeemed; Leftwich elected mayor; peace, order and quiet prevail; free white suffrage vindicated." To which the president replied: "Thank you for the good news. Truth and justice must triumph. My faith in the people has not been diminished. The day is not distant when Tennessee will be redeemed." Dr. Leftwich's administration was notable for a strenuous effort to bring order out of the chaos and confusion in which the city finances still floundered, but it was only partially successful. Ill health and business at Washington called him away from the city, and Alderman McDavitt became mayor *pro tem*, and was really responsible for all that in that respect was accomplished during his term of office. The citizens had become alarmed at the threatening condition of affairs and held a meeting, at which not only the finances, to consider which a committee had been appointed, but the attempt through the Legislature to alter the dividing line between Shelby and Tipton county, and the navy yard property was considered. The mayor's first message was largely devoted to these subjects and to the city scrip in circulation, special stress being laid upon the jeopardised condition of the navy yard property mortgaged for payment of the Little Rock Railroad indebtedness, complicating which the heirs of the original proprietors of the city threatened suits for the recovery of the entire navy yard, embracing seventy-five acres, and also for all land lying north of the navy yard, involving at least $500,000 worth of property. As to the pressing indebtedness of the city, Mr. McDavitt, on the 16th of April, reported to the board the past due indebtedness of the city to be $1,244,000, consisting of bonds, coupons, scrip and ledger balances, to fund which it was proposed to make a new issue of bonds of $1,000,000. This was agreed to by the board of aldermen, and on the last day of April was voted for by the people, there being a majority of 616 for it out of a total and very scant vote of 1,038. Between July and September there were conflicting reports of the indebtedness, and charges of bribery and corruption, and of misuse of the bonds authorised for the purpose of taking up the floating indebtedness of the city, all of which was confusing and much of it irrelevant. In September a report was made as to this authorised issue of bonds and bonds issued for other purposes, from which it appeared that up to that date 1,740,000 dollars of city bonds

have been issued by this administration, under the following authority and for the following purposes: 121,000 dollars paving bonds; 68,000 dollars 30 year bonds, used for funding, etc., but issued under the authority of 1866; 41,000 dollars 30 year bonds exchanged for 10 per cent. bonds previously issued by corporation; 844,000 dollars 30 year bonds, issued under authority of 1868, and used for funding and collateral purposes; leaving of the million authorised only 156,000 dollars yet to be issued. In the face of this shaky condition—the assessed value of the property of the citizens being put at $35,000,000 — the board of aldermen subscribed $300,000 in aid of the Memphis and Selma Railroad, subject to the vote of the people, but an attempt to induce the city to part with its stock in the Mississippi and Tennessee Railroad was defeated. Owing to the efforts of Mayor Leftwich the navy yard property was restored to the city by the government and an attempt to abolish the board of mayor and aldermen government and place the city under the control of commissioners was defeated. The schemes to secure public credit by the great railroad corporations were many and were pertinaciously pressed upon the city, county and State, and they often succeeded where the State and city public schools failed to secure the ordinary appropriations necessary to their life. The schools of Memphis, which during this year were doing well under the superintendency of Mr. James T. Leath, asked the board of aldermen for an additional appropriation of $10,000 to meet additional expenses made necessary by the extension of the city limits, but was refused, Mayor Leftwich making it plain in his veto that economy was necessary in every department of the government, and that the city should not extend its credit for any purpose. Coming back to the railroads, they were baulked of their most impudent effort upon the State Treasury by the defeat in December of what was known in the Legislature as the Omnibus bill, which provided for an issue of $2,000,000 in bonds to be divided among the railroads of the State, pro rata according to mileage, Comptroller Blackburne stating to the Legislature that if the issue was made there would be an end to the credit of the State in New York, the capitalists of that city having reached the conclusion upon a careful estimate of the State's resources that its credit was already strained. In county affairs there were many muddles in reference to tax collections in currency and warrants, in $65,000 of which J. J. Powers received final payment for the building of the jail. The custom prevailed at this time with the city and the county of reimbursing persons who had claims against either in the amount of losses sustained by them by the sale of scrip or warrants at less than their face value, and much of the debt of both governments is due to this rule. It was in this way that the cost of the jail was made to exceed $400,000. Out of this system many charges were made of corruption, with which the air seems to have been filled, and investigating which the grand jury of the Municipal Court was kept constantly employed, returning indictments in some cases that were

never prosecuted. Barbour Lewis, the chief of the county commissioners, was thus indicted, and the five metropolitan police commissioners who denounced Judge G. W. Waldran, of the Municipal Court, as a partner and abettor of thieves and perjurers. The grand jury accused the police commissioners of embezzling public funds, and of other crimes, and their functions being interfered with while under indictment, they made application to the Law Court for an injunction to stop what they characterised as persecution. Beaumont also opened a war of words and charges upon the State commissioner of education, John Eaton, a brother of L. B. Eaton, clerk of Waldran's Court, whom he accused of official peculation and being a defaulter. But investigation showed the fallacy of these charges and many others, to the credit of the gentlemen named, though the people generally concluded that where there was so much smoke there must be some fire. The taxes levied were enormous, and the issue of scrip and bonds still more so, and as there was nothing to show for it, there was a readiness on the part of the public to accept any charge, no matter who made by or in what way, as having at least the semblance of truth to warrant it. The merchants were groaning under very heavy taxes, and found it almost impossible to compete with those of cities more favored in that respect, and the bankrupt act which had been amended and extended by Congress until January of 1869, was still complicating their anxieties. But they had little consideration from the Legislature or Congress, both bodies being devoted to repressive and aggressive legislation that would perpetuate all governmental authority in the hands of the Republican party. This was made especially evident by Congress in its opposition to the constitutional efforts of President Johnson to restore the Southern States to the Union, and the people of them to their rights. His unflinching courage and determination in this course not only excited them to a fierce and bitter opposition but to an effort at his destruction. They resolved upon his impeachment, and with that end in view the Senate set on foot an inquiry into his official conduct on the 7th of March, 1867, which culminated on the 24th of February of this year (1868) by the formal presentment of articles of impeachment by James M. Ashley, a member of Congress from Ohio. These, eleven in number, set forth that the president had (1) removed Stanton as secretary of war in spite of the Senate's interdict; (2) appointing Thomas in violation of the tenure of office act, and (3) without authority of law; (4) conspiracy with Thomas to intimidate Stanton; (5) to prevent the execution of the tenure-of-office act; (6) to seize the war department's property by force; (7) to violate the tenure-of-office act; (8) appointing Thomas so as unlawfully to control the war department's money; (9) attempting to induce General Emery to violate said act; (10) the use of utterances, declarations, threats, and harangues [while the president was making a tour of the north and northwest, or as he himself termed it, "swinging round the circle];" and (11) for declaring the Thirty-ninth Congress to be merely a rump Congress,

many of the States not being represented therein. The president answered as to articles 1 to 3 that Stanton as an appointee of Lincoln and never having been re-appointed, was not embraced in the tenure-of-office act; as to articles from 4 to 7 he denied any conspiracy with Thomas; as to article 8 he denied its truth; and as to articles from 9 to 11 he claimed the right of freedom of speech; and he called attention to the fact that these articles did not "touch or relate to any official act or doing" of the president. Chief Justice Chase presided at the trial, and the Senate sitting as a high court, adopted its own legislative rules, and the trial which lasted until the middle of May began and was continued with varying ebb and flow of fortune. The testimony taken and speeches having been made for the prosecution and defence, a vote was taken on the 11th article first. It stood 35 guilty, 19 not guilty. A two-thirds vote being necessary to convict, the 11th article failed, and the court adjourned to the 26th, when votes were taken on the 2d and 3d articles with the same result, when on motion of Senator Williams the court adjourned *sine die*. The impeachment trial conceived in hate and with malice aforethought failed. It was a fiasco, as disgraceful as any other of the many acts of legislative villainy conceived by its managers,[1] their purpose being to remove the president and put Senator Ben Wade of Ohio in his place. The president, unaffected by these proceedings, went on in the course he had marked out for himself, but encouraged by the result of the trial, during which he had the sympathy of the South and the hearty good wishes of its people, issued a proclamation of amnesty in July, which still farther decreased the number of those at the South who labored under disabilities. On the 25th of December he followed this by a final message of good will to his oppressed countrymen, in which he proclaimed and declared "unconditionally and without reservation, to all and to every person who directly or indirectly participated in the late insurrection or rebellion, a free pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with the restoration of all rights, privileges and immunities under the Constitution and the laws which have been made in pursuance thereof." This had the effect of infusing fresh courage into

[1] It is a singular fact that two of the other four cases of impeachment before the Senate involved the career and character of Tennesseans. The first was that of Senator William Blount, of Tennessee, who on the 11th of February, 1797, was charged with "conspiracy with Great Britain to wrest Florida and Louisiana from Spain." Before a trial could be had Mr. Blount was suspended, then expelled, being held under bond for trial. When this came up his counsel pleaded that a senator was not an officer and he was no longer a senator and therefore not impeachable. The case was dropped for want of jurisdiction. The second case was that of Judge West W. Humphreys, United States district judge, who, it was charged, on the 29th of December, 1860, openly advocated secession, gave aid and comfort to organised and armed rebellion, refusing to hold United States Court, holding court as a Confederate judge and imprisoning one William G. Brownlow, and confiscating the property of Andrew Johnson. He was convicted of each of the charges except the last. But not being present the trial was a fiasco "as a grave performance."

the hearts of the people, and was in some sense a recompense for the defeat of the National Democratic ticket—Horatio Seymour, of New York, for president, and Frank P. Blair, for vice-president—which had been nominated at a convention of the party held in New York in June,[1] the first at which all the States of the Union had been represented since 1860, as the election was the first for president at which the negroes had voted.[2] It aroused the people of Memphis to something like their old-time political enthusiasm, and they indulged in a great torch-light procession, the ex-Confederate soldiers holding a meeting at the Greenlaw Opera House and adopting conservative and patriotic resolutions. John W. Leftwich was elected to Congress, and W. W. Vaughan, of Brownsville, was elected elector for the State at large, but the Republicans made a clean sweep in city and county.[3] Among the notable events of the year were the failure of the Commercial Bank, the suspension of the Merchant's National Bank, and the failure of the Gayoso Savings Bank which created some excitement and called out a great deal of resentment among the depositors. E. M. Avery, the cashier, published a card in which he explained that the bank failure had swallowed up all his possessions. This did not save him, however, from the attempted vengeance of the irate depositors, most of whom had lost all they had of money. They threatened to lynch him, and a party with that intent, visited the residence of J. C. Lanier, president of the bank, who was shot at by James L. Taffe. Both gentlemen left the city after delivering the assets of the bank to Samuel Mosby, who was appointed receiver, and the trouble soon blew over. Another sensation was occasioned by the differences that grew up between the Rev. Dr. Rodgers and the Rt. Rev. C. T. Quintard, Bishop of the Diocese of Tennessee, upon the subject of ritualism. On the 20th of September the doctor, who had recently returned from Europe, announced the establishment of the Church of the Blessed Virgin at the Greenlaw Opera House. On the 22d a letter from the bishop, who was visit-

[1] At this election a paper was read by the Hon. T. W. Brown, of Memphis, which was generally conceded to be the ablest presentation of the case and condition of the South that had up to that time been given to the public. It was an unanswerable indictment of the Republican party, and furnished many texts for speakers and writers during a canvass that afforded the South the first opportunity of appealing from the judgment of a sectional party to the people of the Union.

[2] It is worthy of note here that the first negro jury in Memphis was summoned on the 6th of March of this year by the Democratic sheriff, and was objected to by Captain Harry Lee, a leading Republican lawyer. The judge of the court, also a Republican, confessed himself staggered, but finally accepted the situation.

[3] An analysis of the vote of the city cast at this election showed that J. W. Leftwich received 2,431 white votes and only 85 colored; W. J. Smith, 291 white, and 4,212 colored; and David Nunn 232 white votes, and 71 colored. Grant, for president, received 535 white, and 4,283 colored votes, total, 4,818; and Seymour 2,522 white, and 86 colored; total, 2,436. The total white vote was 2,971, and the total colored 4,369. Shelby county gave Grant 5,004 votes, and Seymour, 3,009.

ing in Nashville, proclaimed that he did not recognise this church; to which Dr. Rodgers made a spirited reply declaring he would keep the canons and services of the church, and by the help of God do his duty. On the 28th Dr. Rodgers held services of a most utter ritualistic order at the Greenlaw Opera House. Learning of this Bishop Quintard interdicted the Church of the Blessed Virgin, notwithstanding which Dr. Rodgers held a second service. There then ensued a correspondence between the bishop and Dr. Rodgers, and several subsequent services were held at the opera house. The result was a controversy which grew until it reached a point of final authority, then the doctor determined to leave the church, and on Sunday, the 13th, read his recantation of the articles, and authority and orders of the Protestant Episcopal Church, declaring confidently that Rome is the centre of the Master's Kingdom. He at once entered the Roman Catholic Church, and for a time filled engagements in the lecture field, finally removing to Washington and engaging in the practice of law. A scholarly man of unusually fine mental abilities, Dr. Rogders, though erratic, was a great loss to the church which was much wrought up over the whole matter. Another memorable event was the assumption of the veil and habit of the Dominican Order, in August, by seven young ladies at St. Peter's Catholic Church, the bishop officiating in a most impressive ceremony, the first of the kind that had ever taken place in Memphis. And still another was the marriage at the Second Presbyterian Church by the Rev. Dr. Gallaudet, of St Ann's Church, New York, of two deaf mutes, Miss Mollie L. Church, daughter of Captain Charles Church, to Mr. H. J. Haight. Other events were the enthusiastic reception in April of Mr. John Mullaly, editor of the *Metropolitan Record*, who had been conspicuous during the civil war, and since as a fearlessly outspoken friend of the South and the Southern people; also the interment of the remains of General Preston Smith, a gallant soldier and much respected citizen; also the election of Major Wicks to be president of the Memphis and Charleston Railroad, vice Tate resigned. The events in journalism were the assumption in January of the editorial control of the *Ledger*, by Colonel Leon Trousdale; the purchase in April, of the *Bulletin*, by Hough & Currie; on the 30th of August, the purchase by J. M. Keating of General Albert Pike's interest in the *Appeal*, and his assumption of editorial control; in September the announcement of J. J. Du Boss's connection with the *Ledger;* and on the 8th of December the announcement of the death of S. C. Hogan, for some years a proprietor of the *Appeal*. The theatrical events were the appearance at the theatre in January in the order stated, of Frank Mayo, Edwin Booth and Mary McVicker, Edwin Adams and the Frederica Opera Troupe. Leo Wheat, pianist, gave his first concert on the 25th. In February, at the theatre, Edwin Forrest; in March, Joe Jefferson; in June, Isabell McCullough's Opera Troupe; in October, Charlotte Thompson; and in December, the Frederica Opera Troupe Besides these there were several amateur concerts for charitable purposes, balls,

bazars, fairs, tournaments and races, the agricultural fair in October being a conspicuous success. The notable deaths of the year were John C. Creighton, Frank P. Dougherty; in Montreal, of General William H. Carroll; Robert Banks, son of Enoch Banks; Dr. S. M. Wheton; Captain Perry, wounded by a negro; Leo J. Bethell, killed by Clarence Collier; W. G. Thompson, lawyer; Manager Thompson, of the theatre; William Kennan Hill; Captain Benjamin Avent, wounded by Reynolds, a notorious desperado; Captain Samuel Vance; Judge William L. Harris; and Fred Kormick, suicide.

III.

WITH all the turmoil in politics reaching so closely to every man in the city, and entering every home in it, bringing doubt, distrust and harassment and annoyance in its train, Memphis continued to grow, and in some degree to prosper. In 1869 a census taken by order of the city authorities, showed her population to be 39,401, an increase of nearly 12,000 over the census report of 1865, and 17,000 more than in 1860. Trade had increased in volume and profits with this influx of people, and real estate had increased in value, but the municipal debt was also increasing, and its origin and growth and condition were more a muddle than ever. Committees were lost in its intricacies and inaccuracies, but the comptroller managed at the end of the year to make a report in which the debit almost balanced the credit side, inducing the belief that Memphis had assets to meet her liabilities, assets that became more and more shadowy, and gradually disappeared the nearer the hand of settlement reached out for them. Beside the city debt, of which no satisfactory estimate or reliable data could be had, the topic of chief discussion by the board of mayor and aldermen was the sale of the stock owned by the city in the Little Rock Railroad to the same parties who had been defeated of their purpose to purchase the city's stock in the Mississippi and Tennessee Railroad the year before. This lead to wearisome debates, in which charges and counter charges were made, and investigations were demanded and threatened. Just why the city should sell this stock was never made to appear, but a calculation made by the *Appeal* showed that for $100,000 in cash the proposed purchasers would net a total of $2,737,500 in securities—$680,000 in Little Rock Bonds; $1,300,000 in Arkansas State Aid Bonds; First Mortgage Bond, $300,000; debt due the Little Rock Railroad by the Federal Government during the war, $300,000; 150,000 acres of land at $1.25 per acre, $187,500—all this beside the road from Little Rock to Fort Smith and all the branches with accumulations. This statement or exhibit "of something for nothing," had the desired effect. The council voted the proposition down. But the proposed purchasers, not to be baffled, took another line, and the coveted stock in the Tennessee as well as

the Little Rock Railroad, was advertised for sale to satisfy a decree of the United States District Court for $10,000 or $12,000 "due," as the newspapers said "by the city to somebody," which, somebody, proved to be a Mr. Simpson, who through his attorney, Judge M. Perkins, withdrew the order of sale. The council then voted to pay the July interest on the railroad stock by a special tax, Mayor Leftwich denouncing the board "with few exceptions, as a parcel of thieves and scoundrels." Another syndicate then presented itself for the purchase of the debated stock represented by Mr. Mahan, a merchant of the city, to whom it was sold in October. Mayor Leftwich, Mr. Cossett, of New York, and Mr. Brinkley, of Memphis, being empowered to make the transfer in New York. But before this could be consummated the board of mayor and aldermen rescinded this agreement and took under consideration a proposition by Mr. Epperson, president of the Texas branch of the El Paso and Pacific Railroad, to lend the city $50,000 on $575,000 worth of Little Rock Railroad stock as collateral, which it was to be agreed should be forfeited in case of failure to pay at the end of twelve months. Notwithstanding the opposition of the press this proposition was accepted, it being understood that Epperson was acting as General Fremont's agent. In December, the stock was sold to Epperson, on the terms on which it had previously been sold to Mahan, who, with Mr. Brinkley, and a Mr. Sawrie, a railroad contractor of the Mahan syndicate, protested in a published card. In this condition we must leave this matter for the present, and turn to the city finances, to which it was collateral. Notwithstanding the heavy taxes, the board of mayor and aldermen, early in February, confessed its inability to cope with the "disordered and embarrassed situation unless they had $500,000 worth of bonds," and accordingly an issue of that amount was authorised on the 4th of that month by a vote of twelve to six; but this was subsequently postponed until some kind gentlemen, who proposed to furnish currency, could be heard from. In the mean time an organisation, known as the Citizens' Union No. 2, which was investigating the sale of $1,000,000 worth of city bonds made the previous year, was manifesting a rather tardy interest in the matter for which it encountered the hostility and enmity of the finance committee of the board, which was sustained by the people who voted for the issue of the bonds by a vote of 1,026 to 346. This was accepted as a finality of the matter by the press, which regarded it as "a settlement of the city finances forever." But disappointment was close upon its heels. William M. Farrington, R. C. Brinkley, John Overton, jr., S. Mosby, W. B. Greenlaw, C. B. Church, W. R. Hunt and Charles Jones, citizens and heavy taxpayers, sued out an injunction "restraining the city from the issuance of the bonds lately voted, and from the use of those bonds already issued, except for the purpose of funding the debt of the city as provided for in section, etc." This was subsequently modified so as to admit of the bonds being used "to pay debts of the city on such terms as may be deemed

proper." This action had the effect of arousing the people generally, and they held a meeting "to confer upon and prevent any farther improvident use of the people's money by city and county officials," and the Citizens' Union again enjoined the finance committee, of the board of mayor and aldermen, from raising money on the bonds of the Mississippi and Tennessee Railroad, owned by the city as collateral. The Supreme Court affirmed the injunction prayed for by Farrington and others, and the grand jury examined the charges made by Mayor Leftwich. This resulted in the indictment of some of the members of the board, who were, however, allowed to retain their seats. And thus affairs stood at the end of the year when the financial statement made by the Comptroller, on the 1st of July, was still current, showing that the assets of the city balanced her liabilities, both being set down as $4,529,-287.95. Poor Memphis, in spite of the active and zealous citizens' committee, and its injunction, she was moving on steadily to financial ruin. And she had a companion in her misery. Shelby county had had one defaulter, Leonard, a former trustee, convicted and sentenced to the penitentiary for a term of years, and was moving for the forfeit of the bonds of another, Garvin. This, however, his bondsmen escaped on the plea "that the paper purporting to be the bond was signed by them when the amount thereof was blank, and that Garvin promised to get other names, but they were not added, the amount—$100,000—being afterwards inserted without their knowledge, and after issue with the State had been made." The result was that Garvin was finally held by the court for a judgment of $119,947.96, and he was ordered to surrender the tax books for 1867. In addition to this the grand jury reported the potters' field in an insufferable condition, the roads neglected, and the turnpikes in very bad condition, and this notwithstanding County Commissioner Barbour Lewis reported the expenditure by the county of $862,843.73 in two years; $364,608 in 1868, and $487,088.18 in 1869, an increase of $120,000 in twelve months. The extravagance of the county commissioners was almost as unrestrained as that of the board of mayor and aldermen, and the Citizens' Union was compelled to take cognisance of it and sue out an injunction restraining them also from issuing bonds at less than their face value, and from issuing scrip to indemnify the losses of scrip holders arising from the depreciation of such scrip. The necessity for this latter step will be understood from an affidavit of ex-County Attorney Woodward, in which that gentleman stated that "a citizen contracted with the commissioners to build a certain number of safes for $6,000. When the work was done the board gave him a warrant for that amount. This did not satisfy him, and after much explanation over the difference between the face and the market value of it, the commissioners issued a warrant for $10,000, in lieu of the former which was destroyed. As soon as the citizen received this warrant he turned it over to a third party, who sued the commissioners for the face value and recovered it." An excellent system

of county government; the board of commissioners, on account of its almost declared irresponsibility to the public, its extravagance, and the admitted corruptions of some of its members, and also because it was the creation of the Brownlow government, became very unpopular, a feeling that was hastened by the escape of the defaulting Leonard, who was admitted to bail pending an appeal by him to the Supreme Court, taking advantage of which he forfeited his bond and left the State. The commissioners, it must be said, were in no way responsible for Leonard, who was also charged with forging coupons, some of which with other documents in his case, on file in County Attorney Woodward's office, were stolen at a convenient opportunity, and at the moment when Attorney Horrigan was pressing for Leonard's trial on that charge. It is a sad comment upon the times, but it was the fashion to allow defaulters to escape and investigations to die out. Up to the point of complete exposure in such cases there was great and commendable activity; that reached, however, the matter was usually allowed to lapse, to be lost sight of behind other events which for the public had the merit of newness and freshness. There was one exception to this rule. It was the case of the State against George R. Rutter, president of the Tennessee National Bank, for the embezzlement of all but $200,000 ($618,000) of the school fund. Rutter was arrested and held to answer, making which he explained that in addition to $340,000, drawn out by the State officials, the bank turned over to them $28,000 in State securities, making a total of $368,000, leaving the bank owing the State $250,000. To meet this the bank had in cash $62,500, which it was ready to pay over,—$259,000 in available property and bills receivable, and the State still holds securities of the bank for $200,000, which were then in suit. Besides this, Rutter confessed that thirty or more thousand dollars were paid out by the bank in bribes, to members of the Legislature, to procure their consent to the transfer of the school fund to the custody of the Tennessee National Bank, and the deposits of the State officers in Shelby county, and that when the $618,000 of 7:30 bonds representing all that was left of the school fund was received by the bank, they were shipped to New York and sold.[1]

[1] From the *Appeal* of February, 1869, the following complete history and clear explanation of the sums embezzled, and their classification among the assets of the Bank of Tennessee, is taken: Notwithstanding the elaborate reports of legislative committees, the proclamations of Governor Brownlow, and the statements of such newspapers as the *Press* and *Times*, of Nashville, the matter of the school fund is not yet understood by the public. The truth is, that the $618,000 stolen from the Tennessee National Bank was not a part of the original school fund, but was really a remnant of the capital of the State bank, representing not more than two-thirds the amount returned to Brownlow by the escort under Major-General Upton. That officer thinks the gold receipted for by him to Mr. Fisher, at Augusta, amounted to fully $650,000, which, if invested in 5–20s at the time of its delivery in Nashville, would have made the snug sum of $942,500, instead of the $618,250 reported by Brownlow and his Legislature, and which was stolen by their radical coadjutors. So that after all, nearly one million dollars was filched from the State by the party in power. This much by way of preliminary.

Arrests and re-arrests, suits and cross suits resulted, and charges and counter-charges, and several legislative investigations, and at last Rutter gave his notes for the missing sums. These proved to be of no value, and after a few years the bank, which was put in liquidation, was wound up, the bribed politicians passed

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In 1838 the Bank of Tennessee was chartered. In the "Acts" for that year we find in Chap. cvii., "An act to establish a State Bank, to raise a fund for internal improvement and to aid in the establishment of a system of education," the second section of which reads as follows:

"The whole of the school fund, whether the same is vested in the present banks in the State, or in the hands of the superintendent of public instruction, or in the hands of the county agents or other persons, except so much as may have been vested in any works of internal improvement as well as the proceeds of the Ocoee lands, shall constitute a part of the capital of the Bank of Tennessee,"

Shortly after the passage of this act the bank went into operation. Up to 1857-8 there was no very thorough investigation of its affairs. In the latter year a committee of the Legislature was appointed for that purpose, whose researches were extended over several weeks, and resulted in the finding of some mistakes in its management. A report in accordance therewith was made, when the Legislature ordered that the bank should enter up the sum of $1,500,000 to the credit of the school fund, and deposit with the State treasurer a certificate to that effect. From the "Code" we extract the following paragraphs bearing upon this:

"946, The whole of the Common School Fund shall continue in the Bank of Tennessee, where it now is by law invested.

"947. This fund consists 1. OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS, deposited in the Bank of Tennessee, for which a certificate of deposit is filed with the treasurer, as superintendent of public instruction."

And in this condition the fund remained up to the time of the evacuation of Nashville, on the 23d of February, 1862, when the bank assets were removed and finally carried to Augusta (Ga)., where a few weeks after the surrender, a copy of the following note reached the cashier in charge, Mr. John A. Fisher, who at once made ready and turned over to General Upton the school fund and archives of the Bank, and $650,000 in gold—what remained of about $675,000 in possession of the institution when it evacuated its premises in Nashville, and all that was left to represent its active capital:

[COPY.]

GRENADA, Miss., May 8, 1865.

James T. Dunlap, Comptroller, Joel A. Battle, Treasurer, John E. R. Ray, Secretary of State of the State of Tennessee:

You will return the archives of the State to the Capitol at Nashville, at the earliest day practicable.

You will also inform the officers of the Bank of Tennessee that my advice to them is to return the assets of the bank to the banking house in Nashville, at once. The assets of the bank are the property of the people of Tennessee, and I ardently desire that they should be restored to them.

ISHAM G. HARRIS, Governor.

Of the $650,000 in gold thus returned to the State authorities by the advice of Governor Harris, nothing was heard until the message of Brownlow, of October, 1865 (several months after the receipt of the money), announced that "a careful examination of the assets captured (a straightout falsehood) in Georgia, made by a committee of competent men," showed the fund in coin to be only $446,719.70, just $203,280.30 less than the sum actually receipted for.

This was the first loss of the bank funds of which we have any account; but of which there has not been the least investigation. In addition to which there was, it is believed, as part of the bank assets, State bonds amounting to more than $1,500,000 representing the *bona fide*

from public view—one of them committing suicide—and Rutter dropped into the gutter of New York. The times were sadly out of joint. There was so much of malfeasance and corruption that the public easily accommodated itself to any rumor of fraud. One such, to the effect that the Federal government had been robbed of $15,000,000 in and about Memphis by certain claim agents, gained currency and created an intense sensation. Yet, with all this, and in spite of it, the people were willingly helping to build the Selma Railroad by public subscription, and also the Mississippi River Railroad, the Chamber of Commerce petitioned the government for aid in the construction of the Southern Pacific Railroad, a labor convention was held at which the question of Chinese labor was discussed and at which a letter of sympathy from General R. E. Lee was read; a meeting of influential citizens discussed and determined upon the construction of the Memphis and Kansas City Railroad; the Union and Planters' Bank was founded with a capital of $671,000; a new gas company was established and ready for business; and the litigation between the Peoples' Railway Company and the Memphis Street Railway Company was decided in favor of the latter, which was in a measure fulfilling its promise of usefulness; the board of mayor and aldermen discussed the location of a Union depot; the cotton factors subscribed $3,000 to be distributed in premiums for the best cotton at the Shelby county fair, which was still a successful institution; and the State Teachers' Institute held its first meeting at Odd Fellows Hall, and reported the most gratifying progress, especially in the education of the negro, the State superintendent of colored schools reporting 102 schools in operation, with 140 teachers, 90 of whom were colored and 50 white, the total enrolment of scholars being 6,431, boys 2,999 and girls 3,441. Of the whole number of school houses, the Freedmen's Bureau furnished and supported 26, the freedmen partially supported 12 by the payment of $529, the total expenses per month, paid by the State and counties by the Freedmen's Bureau and by donations from societies, being $6,265. Public education was not yet upon a

school fund of the State, of which no account has ever been rendered, making the frauds more gigantic than was at first supposed.

The $446,719.70, in gold, reported by Brownlow, was, by his suggestion, ordered sold and the proceeds invested in 5-20 bonds, which ($618,250) was the sum afterward deposited in the Tennessee National Bank, hocus-pocused from the people and into radical pockets—all, except $290,000, currency, used, by a usurping order of Brownlow, in payment of the interest on the State debt.

From this we learn that the report of Senator A. V. S. Lindsley, as to the school fund, is incorrect; that the statements and reports of Governor Brownlow, first, last and all the time, are incorrect; that the Legislature is befogged as to the school fund, and that the *Press and Times's* charge against the Democracy and Governor Harris are without foundation in fact or reason. We also find that besides the sums stolen from the Tennessee National Bank, and that paid out as interest on the State debt, more than $200,000 in gold has been made away with, together with State bonds, amounting to $1,500,000, the actual school fund of the State.

secure footing in the State, yet even these meager first beginnings were encouraging to the teachers. The law of 1867 was in operation, but it had been resisted by the mass of the people, who were in opposition to all Radical Legislation, and were especially so to the education of the negro, increasing as it did their burdens of taxation. By this law the territorial divisions remained the same as in the old law, but the officers provided were a State superintendent, county superintendents, a board of education for each civil district and three directors for each sub-district. The money appropriated consisted of the proceeds of the school fund, a property tax of two mills upon the dollar, a poll tax of twenty-five cents, and a railroad tax of one-fourth of one per cent. a mile for each passenger. The total from these sources was placed to the credit of the State superintendent who distributed it *pro rata* to the county superintendents, who, as county treasurers, paid all orders of the board of education for civil as well as sub-districts. It was made obligatory upon the directors, or in case of their neglect, upon the board of directors, to maintain a free school in every sub-district for a period of five months in every year, and if the school fund was insufficient for this purpose they were required to levy a tax to make up the deficiency. The benefits of these schools were free to all of legal age, whether white or black, without restriction, but the races were to be kept apart and taught separately. Beside the opposition and clamor of the people so sorely oppressed, the schools were greatly retarded by the loose and corrupt financial methods then characteristic of the State government. For instance the school tax of 1866 was seized without warrant of law and applied to the payment of interest on the railroad debt of the State and the apportionment of that year was postponed until 1868, and that of 1867 until 1869, several districts and counties and all the cities in the meantime supporting their schools by voluntary taxation. Strengthening the opposition of the people came this year the decision of the Supreme Court declaring the civil district taxation unconstitutional. But notwithstanding all these drawbacks, General Eaton, a thorough educator, carried forward the good work, and in September of this year was able to report 628 school-houses built, 172 for colored children, 289 school sites purchased, 3,903 schools opened, 498 for colored children, 4,614 teachers employed and 185,845 pupils in attendance, 25,818 of them colored. In December the act of 1867 was repealed, and the State and county superintendents were ordered to turn over the funds in their possession to the State comptroller. Everywhere in the State the cry against taxation was continuous. The merchants of Memphis were especially loud against taxes that operated as a discrimination in favor of those of other cities, against whom they were naturally pitted in competition. Crushed under this weight, they had for four years petitioned against it in vain. They were at the mercy of a purely agricultural community, who could neither understand nor legislate for their necessities. But relief was close at hand. The revolu-

tion necessary to right all wrongs was near to accomplishment. It could not be much longer delayed without bloodshed. Indeed, opposition to innumerable oppressions was taking the form of force, because an armed militia occupied many places in the State. The Supreme Court added to this confusion by a righteous decision compelling the tax collectors to receive Bank of Tennessee notes in payment of State and county taxes. These could not be put in circulation again, therefore the State could not meet its current expenses, and an increase of taxation or of the State debt resulted. In whatever direction the citizen looked he found financial confusion, in some cases defalcation, and everywhere increase of taxes and local indebtedness. Intensifying this, there came in September the effects of the gold panic, precipitated by Jay Gould's combination, and which made itself felt most severely on what is known in financial history as "Black Friday." For this, President Grant's administration was in large part held responsible. Millions of people were the victims of the rapacity of certain Wall street speculators, and the distrust bred of it was as widespread as the continent. It was as the breaking of another and a huge pustule of radical corruption, the result of the unnaturally diseased condition of the body politic. Memphis, a purely commercial centre, whose principal product had much to do in the regulation of the price of gold, then still at a premium, shared in the panic thus precipitated and for some time she staggered under the blow. But, with the recuperative faculty that has always characterised her, she soon recovered and went about her multiform business again. Among the incidents of the year was the appointment of Josiah Deloach, a personal friend of President Grant, to be postmaster; the death in September of John Bell, at the Cumberland Iron Works; the death in October of B. A. Massey, one of the ablest chancery and real estate lawyers in the State, and widely esteemed for his scholarly attainments; the death of John Durevage, an actor of national repute; the death by drowning in May of Drs. Garkey and Miller; the murder of Newberry Gibson and attempted murder of George Nelson by A. J. Walt, in a fit of insanity, which ended in his suicide; the murder of Captain Ed. Whitfield by a gambler named S. A. Doran; Patterson's admission to bail for the murder of Dickens in the sum of $20,000; and on the 15th of July, Tom. Dickens's shooting Wade Bolton, who died of his wounds on the 24th. Out of this grew a long and vigorously contested suit in which Sheriff Curry was for a time involved. Among the notorious people who visited the city during the year was Mrs. O'Donovan Rossa, who gave readings at the theatre, and the Hon. Mrs. Yelverton, the plaintiff in a *cause celebre* in Ireland, in which she sued for divorce. The newspaper changes were the withdrawal in January of F. A. Tyler from the *Ledger;* the death of Colonel J. H. McMahon, formerly editor of the *Appeal*, the ablest and most scholarly journalist of his time; and the purchase by F. A. Tyler, R. T. English and F. A. Brauner of a half interest in the *Appeal*, thus becoming partners of J. M. Keating. The polit-

ical condition of the State during this year was more deplorable than had, since 1861, been experienced by the people. Disquiet, disorder and despair[1] prevailed in many parts of it. Theft and robbery were as continuous as the corruptions of the State government, and for their own preservation the

[1] This feeling was shared with the people of all the Southern States, who were restless and apprehensive because of the malignant legislation of Congress and the election of General Grant upon a declared policy of continued oppression of the South by the most rigid enforcement of the reconstruction laws, and because of the commercial panic, precipitated by Jay Gould, in connection with Grant's secretary of the treasury, which had unhinged and unsettled things generally, and produced in many well-informed persons an eagerness for anything like change, for a revolution that should bring relief from the sectional antagonism that weighed upon all the energies of the South like a nightmare and prevented the needed work of rehabilitation. The long hoped for chance for a movement into Mexico that would unite the North and the South in a common cause had passed away with the capture and execution of the Emperor Maximilian, at Queretaro, in June of 1867. Efforts at the establishment of Southern colonies in that country and in Brazil had also proven failures, and as there was no possibility of a successful revolt against the Federal authority, the people were gloomy and moodish, and were ready to hail and entertain ideas and suggestions that the more prudently thoughtful among them regarded as little less than childish and absurd. Of this category was a scheme seriously espoused in New York for the establishment of an empire as a substitute for the union of States, and the elevation of General Grant, "the man on horseback," as he was sometimes termed, to the throne with the title of emperor. A secret order, the T. C. I. O., was formed, whose declared aim was the formation of an empire, its members being sworn to secrecy, energy, and patience. "(1) Secrecy—Because thereby we shall not only be able to meet the several caucus organisations on their own ground, and baffle their profoundest machinations, but we shall one day present the Empire to the world full grown and thoroughly organised. (2) Energy—Because we know not how speedily the swift current of events may bring us to the realisation of our hopes. (3) Patience—Because the blind prejudices of the ignorant and unthinking will forbid them to recognise us as benefactors, and render a certain amount of persecution inevitable." The organisation was divided into centuries, and no one could be a member of two centuries. The *Imperialist*, a weekly organ of the order, published at 37 Mercer street, New York, which was very ably conducted and for a while had an extensive circulation, declared its belief to be "that but a small percentage of the American people can be considered fit, by character or education, for the unrestricted exercise of self-government, and that, conscious of this truth, they have already resigned the absurd theory which is advanced in their behalf. They have, moreover, wilfully and recklessly permitted the reins of government to pass into the hands of a class of politicians whose unblushing venality has made the present state of things no longer tolerable by a free and enlightened people." Relief from this condition of affairs was to be had through an emperor, the head of "an imperialism would involve a strong central executive, based upon the general will and consent of the people, but too firmly placed to be at the mercy of such periodical fluctuations of popular feeling as at present give to our national councils their proverbial character for weakness, inconsistency, and vacillation. Such a central executive could only be hereditary in a line of men in which imperial strength was itself hereditary. We should at least be spared the quadrennial revolutions which have now become such disastrously disturbing causes, and which are assuming more and more dangerous features with each successive repetition of the electoral fraud. This executive should be the centre and main spring of an administrative system, happily not without fair exemplars among existing autocracies, by which, through every corner of the land, life and property could be made once more secure; justice be fairly administered; taxation be honestly adjusted and collected, and the manifold oppressions and abuses of the present man-

farmers were compelled still to band together. They found it impossible otherwise to save their live stock from depredating marauders, who roamed at will without let or hindrance, and in many places incendiary fires and the destruction of garnered crops intensified the general apprehension that anarchy

agement as nearly prevented as the necessity of employing human agents will admit of." As to religion there was no necessity for a State Church, nor for any system of caste other than that which already prevailed. The politicians and the masses were to be suppressed. This scheme, superficial as it was, had many attractions, especially for the extremists at the South, and the editor of the *Imperialist* was the recipient of hundreds of letters from men—some of them eminent and others well known—who hoped "everything" as a result of this absurd and chimerical scheme. Some of the Memphis papers were caught by it, and many leading citizens sent their endorsement of and adhesion to the scheme. The *Ledger* of the 27th of April (1869), responding to the *Imperialist*, said:

"If we see by repeated history that democratic governments are short lived, and that, when once admitting change or outliving the issues or feelings that called them into existence, they must soon cease to live and give place to a better form of government, then let us, in the name of reason, heed the lessons of the past; see if the government has run its course, outlived the objects and feelings which created it; and, if so, change it into an Empire giving stability, protection and security to person and property. Even those denying the failure of our effort at democracy, attested by the late revolution—which, they vainly endeavor to force themselves to believe, proves its strength—cannot blind their eyes to the results since the war. Corruption and bribery, the legitimate results of such a war, have, as in Athens, Rome, Venice, everywhere, with daring affrontery hurried us into a mad vortex from which there is but one escape. It is folly to talk of going back to the Constitution, for *revolutions never go backward*. The Empire is our only salvation.

"We of the South who sought to maintain the Constitution, as understood by its framers, failed. Now, can you reasonably expect to dictate terms to the victors? No! it is '*Vae victis! Vae victis!*' here as in Rome. We cannot *persuade* innovation and progressiveism to concede that which is fought for and won. The South, by reason of its institution of slavery, was not inviting to emigrants teeming to this country; hence a different society in the South from that seen in the North. In the South, family ties were stronger, innovations were combatted, and a strong, deep love for old people, old ideas, and a detestation of change was deeply rooted. But the North, recruiting from every nationality, had a society of many colors—a heterogeneous mass. Each new importation, bringing the prejudices of his nationality and race, sought to engraft his opinions upon the society around him. Therefore, in this Babel of a Nation, we have such a variety of prejudices and conflicting opinions, creating a desire for change—a spirit of progressiveism which must end in disruption, or an entire change in the form of government. In the South, before the war, those at the head of affairs were descendants of Revolutionary parents. Not so at the North, whose mixed population could have no pride of family and reverence for solidity to keep their unholy hands from the Constitution. The South, with climate and soil superior to that of the North, did not invite immigration, from and on account of the aversion with which Southerners viewed every fear of unsteadiness in society. And the small element introduced since the war has already begun to subvert society. What then will happen when two-thirds are importations? If the Assyrian monarch could not control his nine characters of people, can the tottering democracy speak peace to the countless, inextricable mixture now manipulating our polls? History is fruitful of examples—consult her. The innovation of strangers ruined Athens; while Sparta, under her Lycurgan discipline, laughed for five hundred years at the turbulent Athenians. Change is not the watchword of law and order, which produces the Leonidas and his bold three hundred. Democracy will banish a Thucidydes to honor Cleon. The Empire must come of necessity.

was to supervene upon the Civil War. Under these circumstances the people had recourse to the Ku-Klux organisation,[1] which, without bloodshed, was found to be the only effective means of saving anything, either of property or of manhood and independence. Without sympathy with the disfranchised classes, Governor Brownlow in the exercise of the extraordinary powers conferred upon him by the existing constitution, and the laws made in pursuance of it, issued a proclamation on the 20th of January calling out the State guard (the organised militia) to suppress the lawlessness that he declared to exist in the middle and western parts of the State, and in another proclamation issued on the 20th of February he proclaimed martial law in Overton, Jackson, Maury, Giles, Marshall, Lawrence, Gibson, Madison, and Hayward counties. The people of these counties, among the best in the State in point of education, general intelligence and wealth, protested against proceedings so arbitrary and that were still further calculated to widen the breech between the white people and the freedmen who were the political pets and wards of the governor's party. They pledged themselves to co-operate with the civil authorities in maintaining the peace and declared that "neither martial law nor troops were necessary to preserve the peace or protect the lives of citizens." But the State guard to the number of 2,000 or more were organised, and under command of Brigadier-General Joseph A. Cooper, were distributed in some of the counties named, most of them being negroes. But relief and release were nearer at hand than the oppressed people believed. A complete revolution was brought about by the election of Governor Brownlow to the United States Senate and the elevation to the executive chair in the latter part of February of DeWitt C. Senter, by virtue of his position as president of the Senate. He declared at once his belief in the sovereign and inalienable power of the people, and that in their restoration to the exercise of these powers lay the remedy for the revolutionary condition of the State. On this broad platform he became a candidate for governor, but was opposed by William B. Stokes, who was more extreme and radical in his views than Brownlow and occupied the untenable and illogical ground in view of the irrepealable bill of rights that any number

Let it come quickly. Meet the issue peacefully; see your only salvation and security of life, liberty and property, in the Empire. 'The Empire is peace! Let us have peace.'"

Many other and more influential newspapers espoused the cause of imperialism upon the same lines of argument, but by none were they more strongly stated. The case, thus so seriously presented, was, however, laughed out of court. A majority of the people felt that it was not a change of government—a substitution of servant for master—that was needed, but the restoration of statehood, of commercial independence and the absolute abolition of the reconstruction laws. Imperialism was short lived. By the end of 1870 it had perished utterly, and if recalled, it was merely as the joke of the times, which it was and no more.

[1] Many attempts were made to suppress the Ku-Klux by both the Federal and the State authorities, but it lingered along until 1871, when it practically died in this State, but was continued in South Carolina and Mississippi until 1878, where it died in that year with reconstruction

of citizens—a minority—could disfranchise and disqualify all others without due process of law as prescribed in the constitution. Thus antagonising each other Senter and Stokes appealed to the Republican party, which in convention at Nashville, on the 20th of May, broke up in disorder, but subsequently reassembled in two conventions which respectively nominated them. Both made formal addresses to the people in justification of their positions, Mr. Senter asserting with a confidence born of observation and good judgment that "enfranchisement" would in his opinion "heal the animosities which have so long divided our people, and bring concord, peace, and prosperity to the State, while at the same time it is most consonant with the the theory and principles of the republican form of government and with the declared policy and purpose of the party now in power." The people of the State, Memphis among them, responded quickly to so inviting a platform and the canvass that followed, which was of short duration but very heated, ended in a complete triumph and the election of Senter by a majority of 65,297, the whole number of votes cast being 175,369, of which Senter received 120,333, and Stokes 55,036. This result and the heavy vote cast was, it was generally conceded by all parties at the time influenced by a decision of the Supreme Court in the case of the State *vs.* William Staten, who was charged with illegal voting in Gibson county, where he was registered as a legally qualified voter and held a certificate to that effect. He was, however, barred from the exercise of the franchise by a proclamation of Governor Brownlow, issued on the 25th of February, 1868, in accordance with an act of the Legislature which empowered the governor to set aside the registration of any county when it should be made to appear to him that frauds in registration had been practiced. Notwithstanding this proclamation, Staten voted at an election for county officers on the 7th of March following, and was arrested and tried for illegal voting in the Circuit Court, when his counsel demurred that the Legislature neither by legislation nor by conferring power upon the governor for that purpose could deprive a citizen of his right to vote after the franchise had once vested in him. Upon this plea the indictment was quashed, and the Supreme Court upon a hearing sustained the action of the Union Court, holding that the elective franchise was a "right which the law protects and enforces as jealously as it does property in chattels or lands," and that "persons invested with it cannot be deprived of it otherwise than by due process of law," and that the act of the governor in setting aside and annulling the legislation of a county was not "due process of law." The words of the court were "That the statute which empowers the governor in his discretion, practically and effectually to abrogate the right to vote of any and every qualified citizen of the State, and at any time and all elections, is repugnant to that portion of the constitution which is expressly ordained to secure to the people the right to elect officers of the government." This decision restored to many thousands of citizens the right of the franchise of which it was sought by the governor and

Legislature to deprive them, and it was a great encouragement to the restoration of peace. The Legislature elected and which assembled at Nashville on the 4th of October, was found to be Democratic by fifteen in the Senate and forty-nine in the House, pledged itself solemnly against the repudiation of any portion of the State debt and declared "That expediency, together with the honor and good faith of the State, demands that the interest on the public debt be paid at the earliest practicable moment, and its principal securely provided for at maturity; and that to these ends, under a careful retrenchment and rigid economy in all other respects the available revenues and resources of the State should be faithfully applied as they in honor are pledged." Resolutions were also passed requesting Congress to relieve the citizens of the State of the disabilities imposed by the fifteenth amendment to the Constitution. Henry Cooper was elected to the United States Senate, defeating ex-President Johnson, who had made a tour of the State, and had much to do in stirring the people up to an assertion of their rights. He was everywhere, especially in Memphis, received with enthusiasm, and would have been successful in his desire to return to the Senate to vindicate his policy as president had the people had a direct vote in the matter, but the politicians, many of whom he had relieved of their political disabilities, were opposed to him, fearing the reassertion and exercise of his influence with the masses as the first among their chosen leaders. The defeat of Johnson and the subsequent treatment of Senter had a bad effect and encouraged the Radicals in their protests, which they carried so far as to invite by petition the intervention of Congress to reconstruct Tennessee upon the same plan as the other Southern States and declare the action of the Democratic Legislature void, that portion especially which provided for a constitutional convention. But a very searching congressional investigation failed to justify so extreme a course of action, and the revolution inaugurated by Senter went on without interruption. An election for delegates to the Constitutional convention was held on the 18th of December, and that body assembled on the 10th of January, 1870. It was presided over by General John C. Brown, of Giles county, and practically restored the constitution of 1834. The younger members of the Democratic party desired many changes, but in view of the strong and earnestly declared conservatism of the majority of the Democratic voters defeat was feared and a consequent postponement of the rest from political turmoil and agitation so essential to the material as well as moral progress of the State. One of the new clauses to the constitution prohibited the making of any more debt for any purpose, saying that "the credit of this State shall not hereafter be loaned or given to or in aid of any person, association, company, corporation or municipality." With this the other coveted boon of general enfranchisement was granted, and an election for State officers was ordered and this held on the second Tuesday in November, 1870, resulted in the election of John C. Brown, the Democratic nominee for gov-

ernor, by a vote of 78,979 to 41,500, "all male citizens over twenty-one years of age, who had been residents of the State six months preceding the election," being permited to vote. The new Democratic administration at once addressed itself to restoring the finances of the State to something like order, with a view to ascertain the amount of the public debt, and provide for the prompt payment of the interest and the liquidation of the principal by the easy stages of a sinking fund. This brought up the whole history of the debt and its growth from the initial stages from 1845 to 1850 when the policy of internal improvements was first debated, and when there was much oscillation of public opinion, the fear of making a debt that would increase the public burdens and anticipate the labor of the people, operating to postpone it. It was not until 1851–2 that an act was passed by the Legislature sanctioned by the leading men of both parties granting State aid to turnpike and railroad companies. Thus launched in the business of issuing bonds the people became liberal, especially as they saw and felt the vast benefits that were following upon it in increased population and wealth, and by 1861 the State had become the endorser for $16,211,000 bonds issued in aid of railroads. No money was ever expended to better advantage than this. During this decade the wealth of the State had increased by $292,657,000 — from $201,246,686 to $493,903,892. This result lingered in the minds of the people after the war had closed, and they could make but little protest when during 1865 to 1869 another issue of bonds was made to aid in the construction of some new, and to enable the old railroad companies to put their lines in running order and repair the damages by war. This brought the state debt in the latter year up to $37,233,072, which by January of 1870, when the Democrats were elected to power, by failure to pay interest, had been increased to $43,952,652.25, three-fourths of which was due by railroads, many of which had become insolvent and had ceased to pay interest as required by their contract. The roads and property of these companies had been placed in the hands of receivers, under whose management they were a charge upon the State Treasury, as reported by the comptroller and other officers, of over $1,000 per day, without taking into account the accruing interest upon the bonds loaned or the rapid depreciation of the State's lien in the wear of the roads. To remedy this condition of affairs the Legislature of 1870 passed a law authorizing the railroads to pay their indebtedness to the State in any of the legally issued 6 per cent bonds of the State, new as well as old. Pending the discussion of this bill the question of the legality of many of these bonds was seriously doubted, but after a full investigation the bill became law, there being only three dissenting votes in the Senate, and eight in the House.[1] The same legislature also

[1] This opened a way for the railroads to retire the bonds issued from 1866–1869, many of which were tainted with fraud, and steps taken by the Legislature to protect the State from this proceeding were put a stop to by threats from Washington of re-construction, which was

passed a bill providing for the sale of all the insolvent and delinquent railroads. This joint plan was after some consideration accepted by the Eastern holders of the bonds, and they agreed to surrender their bonds to the commissioners appointed to make the exchange.

IV.

IN 1870 the Federal census stated the population of Memphis to be 40,226, nearly 18,000 more than the population of 1860. Of these 24,755 were whites, 15,471 were colored; 6,780 were foreigners; 3,371 Irish, and 2,144 Germans, the rest being of various nationalities. Large as this increase was, it would have been at least 5,000 greater had not parts of the Ninth and Tenth Wards been cut off by an amendment of the charter by the Legislature which reduced the limits of the city to the present proportions, and also reduced the charter and its several amendments to one law. This, the most sure and gratifying evidence of growth, had a decided effect upon the people, who rather doubted the figures of the municipal census of the year before. Beside which there was the stimulus of many public enterprises, the building of the Poplar street turnpike, the beginning of work on the railroad to Selma and that to Paducah, both of which had been much discussed in the previous years. But more encouraging than all these was the peace, security and justice assured by the administration of the affairs of the State by men who represented the wishes of a majority of the people. Reconstruction had come to an end in Tennessee, and the people of the city felt encouraged to embark in large enterprises, and to encourage capitalists from other States to enlist their money and their energies in enlarging the trade limits of the city, extending its means of transportation, and increasing its facilities for trade. It is true the people of the surrounding States were still under Radical rule, and the thumb of Congress, and in the agonies of reconstruction, but this did not deter the merchants of Memphis from pushing their fortunes in every direction, and often as they felt to be their duty, lending a helping hand to ease the pains and penalties of the people of Mississippi, Arkansas and Alabama, and encouraging them in their battle with the ignorance and cupidity that were administering their affairs.

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only averted by a visit of Speaker D. B. Thomas and Speaker W. O. N. Perkins, to that city, and their promise that these proceedings should be abandoned. The railroads hastened to take advantage of this scheming, and retired only $5,330,000 of the $14,841,000 issued to them before the war, and $11,258,000 of the $14,393,000 issued from 1866 to 1869. Under an act of 1871 for the sale of insolvent and delinquent railroads, eleven were sold for $6,698,000. There was thus retired of the bonds:

1869–1870 Bonds paid to State by Railroads	$14,787,600
1871 Bonds paid for purchase of roads	6,698,000
	$21,485,600

This they did cheerfully, helping to do everything that was possible to mitigate the evils arising out of the grossest forms of mal-administration in those States, at the same time that their own municipal affairs were as bad as bad could be, and the city, financially, was on the verge of bankruptcy. John Johnson, who had been elected and sworn in mayor after a great deal of extremely bitter and unjust opposition, and some litigation in the courts, stated on assuming the duties of the office in January, that he found "the city without a dollar of cash in her treasury, and her credit so impaired that she was really paying at least two prices for all services rendered, or supplies purchased; her bonds, authorised to be issued to fund due outstanding indebtedness, having been and being disposed of by her own officers at less than fifty cents on the dollar to pay current expenses; and though ostensibly the pay of city employees and supplies obtained were at cash rates, yet, by allowances thereon in various ways, and for heavy interest on loans, and fabulous discount on bonds sold, the cost to the city was eventually more than double the amount nominally paid.[1] Her floating debt, then over $600,000 in excess of all assets applicable for its liquidation, was being increased in the ratio of 100 to 65, by being exchanged for her own six per cent. bonds, so that, in taking up $65 of debt in one shape, she issued to the fortunate holders thereof, $100 in a much better form. The floating debt at that date being, in round numbers, about $1,200,000, with assets applicable to its reduction to only half that amount, and that inequality between debt and means continuously and rapidly increasing, it must be obvious to any one who will impartially examine the matter, that this pretense of merely taking up floating indebtedness by issuance of six per cent. bonds when in the exchange there was really so great an increase, would, by a continuance of the system (the city's credit rapidly depreciating as her necessities increased) soon have led to financial ruin and actual bankruptcy." The bonded debt was found to be, after careful sifting, $3,580,000, which with $1,200,000 of other outstanding debts, including coupons due July 1, 1870, made the total debt $4,785,000, the assets of all kinds to meet this footing up $882,488, leaving a total indebtedness of $3,902,512. (See table.) Beside these startling figures, the first clear statement the people of the city had ever had of the public liabilities, the statement was made by the press that the rate of taxation—State, county and city—paid by them was sufficient, had the people of the other counties paid a like amount, to have wiped away every dollar of the State debt, amounting at that time to $43,052,652.25. The total of the State tax amounted to $70,129, the county to $375,813, and the city to $486,881, making a grand total of $932,823. Mr. Johnson, who was an accomplished accountant and man of business, if he had done

[1] Ex-Comptroller Baugh reported on the 20th of January as a sample of the reckless mismanagement of the city affairs, that the damages paid for opening streets and alleys during the last two years amounted to $116,487, for which no assessment had been made, and, of course, no tax collected to pay for it,

The following "explanatory statement of how Memphis came to have so large a bonded debt and so little to show for it," was compiled and published by Mayor John Johnson:

Bonds, kind of or what issued for.	When authorised.	HOW USED. For funding.	For paving.	Sold to meet curr'nt exp's	Loaned T. E. Brown & Co	Amount realised by city.	Loss and Amount not realised.	Amount Issued.
Subscription to M. & C. R. R.	Various dates.	.....	.....	.....	.....	$500,000 00	.....	$500,000 00
" M. & O. R. R.		.....	.....	.....	.....	17,450 00	$ 82,550 00	100,000 00
" M. & T. R. R.		.....	.....	.....	.....	40,000 00	210,000 00	250,000 00
" M. & L. R. R.		.....	.....	.....	.....	60,000 00	290,000 00	350,000 00
Funding Currency,	Septemb'r, 1866	$150,000 00	.....	$ 37,000 00	.....	156,427 92	30,572 08	187,000 00
Paving, "	June, 1867	104,000 00	$364,000 00	208,000 00	$224,000 00	759,521 95	140,478 05	900,000 00
Funding, "	April, 1868	633,000 00	.....	479,000 00	10,000 00	686,777 67	448,222 33	1,135,000 00
Funding, "	March, 1869	.....	.....	62,000 00	5,000 00	17,789 17	49,210 83	67,000 00
Funding, gold,	April, 1870	308,000 00	.....	.....	.....	308,000 00	.....	308,000 00
School purposes,	Different dates	.....	.....	.....	.....	.....	220,000 00	220,000 00
						$2,545,946 71	$1,471,033 29	$4,017,000 00

REMARKS.—We have, then, bonds issued, for which the city realised nothing and has nothing to show, $1,471,033.29, divided as follows:

On Railroad subscription	$582,550 00
In Funding process	251,767 08
On Sales to meet city expenses	416,716 21
Issued for school purposes	220,000 00

no more than thus rescue from the chaos and confusion that had been confessed by so many previous administrations, the evidences of the indebtedness and assets of the city would have laid its people under a lasting obligation to him. What they had been asking for ever since 1856, they had placed before them for the first time, much to the dismay of the scheming politicians to whom the municipal government and municipal treasury were but aids to partisan, generally purely selfish and personal ends. But while appreciating his figures the people failed to assist Mr. Johnson in his sensible policy of "pay as you go," as fully as he desired, and as was necessary to put the city's finances on a safe footing. They refused to pay their taxes promptly, and they allowed him to be persecuted, and hampered and hindered by ward politicians, but with the looseness and indifference that had always characterised them, they gave their consent at the polls to the issuance of $500,000 more bonds for funding purposes. And yet with all this the city grew and prospered. She had four lines of completed road affording outlets to all parts of the Union, three projected lines, and two under construction, and she had eleven lines of steamboats, employing forty steamboats with a total tonnage of 10,306 tons. In the manufacture of cotton seed oil it led every other city in the Union, the yearly product of all the mills footing up 7,400 barrels of oil, and 4,080 tons of cake. The cotton receipts of the year were 290,737 bales, 42,039 more than the year previous, but the rapid decrease in price from thirty-three cents per pound at the opening of the year to eighteen and one-half cents at the close, had a rather depressing effect. But this was in great part made up for in the greatly increased general trade, and also by the manufactures of the city, the total footing up fully $40,000,000. The banking capital had increased from about $400,000 in 1865, to $1,700,781 but it was still $300,000 under the total of 1860, which was $2,000,000. But this was more than made up for by the available insurance capital which amounted to $3,060,000. Memphis was being rapidly rehabilitated. The gain was steady in every department, and the merchants were doing business on a solid basis of security. Among the noteworthy incidents in connection with the amusements was, beside many amateur concerts, Memphis being at this time especially rich in amateur as well as professional singers, the appearance of the comedian Jefferson, at the Theatre, several concerts by Carlotta Patti, at the Greenlaw Opera House, a series of operas at the Theatre by the Riching's Opera Company, readings by Mrs. Scott-Siddons at the Theatre, and performances at the same house by the Wyndham Comedy Company. The incidents in connection with the press were, the withdrawal of M. C. Gallaway from the *Avalanche*, and his becoming an editor of the *Appeal;* late in the year the attempt by a crowd of negoes to mob the *Avalanche* office, at the instigation, as was alleged by that paper, of Barbour Lewis, one of the county commissioners and a leading Radical politician ; and the death of J. Birney Marshall, formerly one of the

editors of the *Appeal*, who fell from a window of the post-office building, corner of Jefferson and Third street, and was killed. Incidents of general interest were the decision of "not guilty" in the case of Dickens, for killing Bolton; the similar verdict in favor of E. C. Patterson and R. H. Thompson for the murder of Nancy Dickens (colored); the withdrawal by Colonel Dickens of the suits against the same parties for conspiracy against him; and on the 13th of October the finale of the Bolton-Dickens vendetta by the death of Dr. Dickens, who accidentally shot himself. Beside this notable case, which would make a history of itself, there was the murder of Granville and William Pillow, nephews of General Pillow; the escape of ex-trustee Leonard; and the killing of Augustus Banks by Myra Day. The notable deaths of the year were of ex-Mayor and ex-Congressman John W. Leftwitch who was deeply regretted; of Mr. Frazer Titus, one of the oldest and most honored of the merchants of the city, and a useful and patriotic citizen; of Justice Fred Smith; of Judge Rieves, of the Circuit Court; of James Rice, a man of high character; and of Ed. L. Hamlin, killed in a duel by Major Ed. Freeman. Among the heated contests was that between the Memphis and the Gayoso Gas Companies; the invalidity of the late Commissioner Barbour Lewis's county bonds by the Supreme Court, and the decision of the case of A. P. Curry vs. Marcus J. Wright for the office of sheriff in favor of the latter. The remains of the gallant Confederate general, Pat Cleburne, on their way to Helena for final interment were honored by a procession of his former comrades in arms; and the death of General Robert E. Lee, of Virginia, was the occasion of general mourning—all the stores and dwellings being draped with crape—of an imposing funeral procession, a funeral oration being delivered in Court Square by the Hon. Landon C. Haynes, one of the most gifted orators of the State. Besides which all the trade and professional organisations passed resolutions of regret and eulogy upon the first among the heroes of the Southern Confederacy. In 1871 the projection and building of railroads occupied a great deal of attention, and there was especial rejoicing over the driving of the last spike in the Memphis and Little Rock Railroad, which was still a much disputed property. The sale of the Memphis and Ohio Railroad to the Louisville and Nashville Railroad Company was accomplished; the McCombs syndicate made an effort to secure the Mississippi and Tennessee Railroad; the construction of the Kansas City Railroad was provided for by the board of directors of that company; a Union depot was decided upon, and ground for it selected; the city subscribed $200,000 to the Mississippi River Railroad; and the County Court voted a subscription of $50,000 to the Raleigh Railroad. The city became involved with the Memphis Street Railroad Company in cross damage suits, claiming $125,000 as due by the company as its share of the cost of laying the Nicholson pavement, and $100 a year for every car run upon its lines; on the other hand the company claimed $25,000 damages from the

city for the tearing up by the police of a block of its track on Jefferson street, in addition to which the city was sued by the Peoples' Passenger Railroad Company for $500,000. The city also became involved in suits with the Memphis Water Company, which were ultimately decided in favor of the latter by the Supreme Court, and the construction of the works was begun, the city becoming a stockholder in the company. The construction of an immense elevator was also begun with the permission of the general council. In June a Planters' and Land Owners' Convention was held looking to a supply of labor and the settlement of immigrants, which resulted in some practical steps in both directions, several immigrant bureaus being opened. The Chamber of Commerce, which reported a steadily increasing trade in all departments, took active steps for the repeal of the odious and unjust merchants' tax, and for the refunding of the cotton tax, in which the merchants were encouraged by a decision of Judge Halsey, of the Circuit Court, who declared the State and county privilege tax on wholesale liquor dealers, void; also for the establishment of a daily exchange, for the promotion of direct trade with Europe, the establishment of a Mercantile Library, and the publication for free distribution of maps of Memphis and its contributory territory, with a view to help the immigration movement. The Le Moyne Normal and Commercial Institute was dedicated in October, and the city schools of all grades were opened under more promising circumstances than ever, and a more assured and favoring public sentiment. There was quite a stir over a charge made against Mayor John Johnson in connection with the payment of some Memphis coupons in the hands of the State, but Mr. William M. Farrington, then president of the Union and Planters' Bank, exonerated him from all blame, so that Mr. Johnson's chances for re-election were not in the least impaired, nor was the confidence of the board of aldermen in him impaired, as he was empowered by that body to borrow $100,000 to meet the current expenses of the government. The criminal calendar was very heavy this year, and Judge Flippin of the Criminal Court had occasion in August to lecture and warn the jailor and his deputies as to their duties in preventing criminals from escaping and murderers from too much freedom in the jail and from preventing women from having free access to them. The Southern Express Company, which had been for months very systematically robbed, by the alertness and shrewedness of Superintendent M. J. O'Brien secured the arrest of the robbers near Brownsville, two of them being subsequently lynched by the irate citizens. Graves, Poston, and Wisener were put on trial for the murder of young Schofield, under atrocious circumstances. The latter died in jail and the other two were found guilty, but on an appeal to the Supreme Court, Graves was found "not guilty." The latter late in December was shot by his son-in-law, Joe Musso, who with his mother-in-law and wife were wounded. Graves died of the wounds thus inflicted on the last day

of the year. Poston was subsequently released on bail and his case was eventually *nolle prosequi*. Musso upon trial was found "not guilty." David B. Molloy was shot to death by Daniel American, verdict "justifiable homicide." A. Bucignani was also found not guilty of murdering Luis Lippi, whom he shot; Wynne Cannon killed Hod Morris, found "not guilty"; J. W. S. Browne shot J. T. Adams and was discharged on plea of justifiable homicide; Van Roberts was acquitted for the murder of Ada Jones; but Dan Smith was sentenced to death for the murder of James Merriweather. Among the deaths lamented was that of Rabbi Tuski; ex-Mayor Ed. Hickman, at San Antonio, Tex.; James Kimbel, by suicide; Napoleon B. Winchester; William H. Hunt, by suicide; Chancellor Ed. Yerger; Judge E. W. M. King, at Rainer; H. B. Sabatsky, a noted musician, organist and baritone singer; Andrew Jackson Donelson, a distinguished politician; J. J. Worsham, an old citizen, at Duvall's Bluff; Wardlaw Howard, the oldest and one of the most honored merchants of the city, a man remarkable for his originality and independence of character; and Joseph Mosby, an old-time citizen; Richard T. English, commercial editor of the *Appeal*. Among the horrors recorded by the press were the destruction by fire of the steamer *T. L. McGill* at Shoo Fly Bar and loss of forty lives on the 16th of January, and on the 30th the destruction of the steamer *W. R. Arthur*, fifteen miles above the city, by the explosion of her boilers, one hundred lives being lost. There were two street difficulties, one in March in which Henry White, Henry Moode, and W. A. McCloy were the principals, the latter being wounded; the second in September between Dr. F. Grundy McGavock and William Barry Shadford, both being wounded. Among the most notable musical events were concerts by Adelaide Philips at the Greenlaw Opera House; performances by the Davenport Brothers (spirit mediums) at the theatre; lectures at the Greenlaw Opera House by the blind preacher, Mr. Milburne; lectures by George Francis Train, at the Opera House; concerts by Blind Tom, a phenomenal pianist, who played with almost unerring accuracy the most difficult compositions of the great masters after once hearing them, following the time and expression; performances by the most remarkable of burlesque actresses, Lydia Thompson, at the theatre; lecture by Horace Greeley, who was received in a most hospitable spirit by the people generally, the ex-Confederate soldiers especially, who sent a committee to greet him at the Overton Hotel. Mayor Johnson presided on the occasion of his lecture, and all the members of the press were present upon the stage in honor of the most distinguished of American journalists, who was also warmly greeted by ex-President Davis and his family. Phœbe Cousins, one of the most advanced of the women suffragists, also lectured at the Greenlaw Opera House. A very absurd incident and one that came near ending in a tragedy was the alleged appearance of a ghost at Brinckley Female College, Clara Robinson being the medium. During one of her trances she described the loca-

tion of a jar containing a sum of money, but before her father could secure it he was alleged to have been enticed out of his house at night by a band of ruffians who compelled him at the pistol's point to reveal the hiding place of the treasure which they secured and made away with. This alleged outrage occasioned a great deal of excitement, and the people were much divided as to the honesty and truthfulness of the persons concerned, and it was many months before interest in them died away. The most memorable incident of the year was the subscription by the citizens of over $50,000, for the benefit of the sufferers, within forty-eight hours after the news of the destruction of Chicago by fire had been received. This was as bread cast upon the waters.

Eighteen hundred and seventy-two was a presidential year, the race for that high office being run by President Grant, who had been re-nominated for it by the Republicans, and Horace Greely, who had been nominated by the Independents and was endorsed by the Democrats. Grant was re-elected by a greatly increased majority, and Mr. Greely, who had overtasked himself during the campaign, died before the result was announced. In Shelby county the Democrats elected their ticket for sheriff and other county offices and also Judge S. P. Walker, who had been a candidate for chancellor. A. P. Curry, the Republican candidate for sheriff, contested that office with Jack Doyle, who was, however, confirmed in it. A memorable feature of the State canvass was the contest between ex-President Johnson and General B. F. Cheatham as candidates for Congress from the State at large, the former as an Independent and the latter as a Democrat. Both were defeated and Horace Maynard, the Republican was elected. John Johnson, who had proved himself a faithful, honest, and efficient official, was re-elected mayor, and one of the first of his official acts was to welcome the Grand Duke Alexis, of Russia, who remained in Memphis for several days, receiving much attention at the hands of the citizens. In this he found a pleasant relief from the financial strain that was upon him, which was much increased by the judgments obtained, in the Federal courts, by the Nicholson pavement contractor, T. E. Brown, amounting in the total to $448,000. This was the beginning of harassments that drove the city very fast towards confessed bankruptcy. The Federal court attempted to enforce its decrees by mandamuses to compel the general council to levy special taxes to pay for work for which a specific tax per front foot had already been levied and in most cases collected. This tax, the State Supreme Court, complicating the matter still farther, declared to be unconstitutional, and that the paving must be paid for by a general tax. Mr. Johnson made a vigorous defence against the enforcement of Brown's judgments, and was successful in securing delays, meanwhile he had entered upon a policy of debt reduction by means of a sinking fund and a special tax of twenty-five cents on the one hundred dollars for its maintenance, although he was compelled to ask for an additional issue of bonds amounting to $100,000 to

meet the current expenses of the city, which had been redistricted and divided into ten wards. The proceedings of the board of aldermen at this time were remarkable for the absence of much of the wrangling and useless war of words that so long characterised it, but there was still room for improvement. The members also showed more willingness to second Mr. Johnson's plans and maintained their very heavy tax levy in spite of the protest of the citizens, who finally appealed to the Supreme Court, which sustained the city government, declaring the oppressive legislation to be constitutional, and that it could be enforced by the tax collector. The complaint against taxes was constant and loud. The merchants were still protesting against the tax, that was really in the nature of a discrimination in favor of their rivals in other cities, and the insurance agents were bitterly denouncing a new levy of one and one-half per cent., on their gross receipts. The load was so heavy that the Chamber of Commerce took cognisance of it, and with a committee of citizens petitioned the Legislature again for relief. In the meantime the grand jury made a very startling expose of the expenditures by the County Court, and by declaring Tax Collector McLean to be a defaulter in the sum of $100,000 (which was subsequently increased to more than three times that sum). The finances of the county were in a deplorable condition of confusion, growing out of the ignorance and obtuseness of many of those who were managing its affairs, and who were not competent to deal promptly with the fiduciary officials, and enforce the law upon them. In railroading not much was accomplished during the year. President Grant released the iron belonging to the Little Rock Railroad, which was held by the government for debt. Major Wicks resigned the presidency of the Memphis and Charleston Railroad Company, which was leased to the Southern Security Company, of which Mr. Jaques, of Knoxville, was general manager. The Raleigh Narrow Gauge Railroad, in aid of which the county had subscribed $50,000, was sold to a St. Louis Company, who assumed all the liabilities, amounting to $12,000, receiving $6,000 worth of assets and one-half the paid up stock of $25,000. This was a confession of failure that created "some talk." It preceded by a few weeks only the assignment of the Savings Bank of Memphis, which brought much distress to those who had deposited their hard earnings in it. Memphis, during this year, lost a number of eminent citizens, first among them being Judge Thomas R. Smith, one of the ablest lawyers in the State, and a gentleman of the highest standing; Captain Nat. Anderson was next. He was one of the founders of Memphis, and was a man of very high standing; A. J. Edmundson was the next. He was a soldier of the War of 1812, and had been a citizen of Shelby county since 1829. Colonel John W. Dawson, who died on the 1st of May, was a Confederate officer of distinction for bravery, and a useful and honored citizen; Colonel W. R. Hunt had also been a Confederate officer, and a very enterprising citizen; and Mr. John H. Bowen, who died on the same day (the

28th of May), had been city tax collector for many years; General Patton Anderson, who served in the regular army before the Civil War, rose to the rank of Division Commander in the Confederate army, in which he enjoyed a merited distinction for courage and ability, in civil life being held in the highest esteem by all classes; Dr. W. T. Irwin, who died on the 16th of October in Minnesota, was one of the most skillful surgeons and physicians in the Mississippi Valley, and a *raconteur* of unrivalled powers, being charitable to a fault; John F. Sale, who died suddenly on the 18th of November, was first among the criminal lawyers of Memphis, a man of positive characteristics and character, *sui generis*, and kind hearted with it all; William Craig, assistant United States District Attorney, though a young man, had earned some distinction at the bar, and was much regretted. Among the incidents to be noted were a series of lectures at St. Peter's Church, by the renowned orator, Father Burke, who was much feted by all classes of the people. Olive Logan, the actress and correspondent also lectured, and Lilian Edgarton, a young woman who won a merely temporary fame, lectured on "From Fig Leaves to Dolly Varden." Bandmann, the great German artist, with his wife, appeared at the Theatre, and after them Janauschek; then the renowned Thomas orchestra, at the Greenlaw Opera House; Amie with her French burlesque company also appeared at the Theatre, succeeded by Sothern as "Lord Dundreary," and Patti and Mario gave concerts at the Opera House. There was also in February the initial observance of Mardi Gras, which, though a spontaneous affair, was very successful, and the occasion of much merriment and amusement to thousands of visitors, as well as to the citizens generally. A grand exposition was also inaugurated in an immense building constructed for the purpose, extending along Fourth street from Jefferson to Court, which was dedicated on the 11th of October to the service of trade, commerce and mechanics, with imposing ceremonies, Colonel Duncan McRae and Colonel George Gantt delivering the addresses on the occasion. This exposition proved to be a remarkable success, and held out a promise of great usefulness in the coming years, and it helped the county fair which, on the 21st of October, was opened at the fair grounds under circumstances of unusual *éclat*. The Memphis Gas Works were completed, contracts for water works were let, and the foundations of a Franciscan monastery, school and church were laid. Among the crimes of the year were the killing of Justice Norton by Deputy Sheriff Shroyer; the killing by Dr. William Dame of Bennett Jones; the shooting of Frank Steife by "Champ." Ferguson; the killing of his wife by Charles Clinton; the killing of Pat Cavanaugh by Reuben Jones; Phil. Cavanaugh for killing one Russell, was sentenced to the penitentiary for ten years, but was pardoned by Governor John C. Brown; Dan Smith, the murderer of James Merriweather, sentenced to death, had that sentence commuted to imprisonment for life, and Eson, another murderer, was respited; Angelo Marre, a rather noted char-

acter, was sentenced to three years in the penitentiary for robbing the safe in the office of the chief of police. The catastrophes of the year were the destruction of a block of houses on the corner of Union and Second street, involving a loss of $125,000; and the destruction, by the breaking up of an ice gorge on the 27th of December, of four steamboats, and the damaging of thirteen; the sinking of seventy coal flats containing nearly 100,000 bushels of coal and a number of produce boats, involving a total loss of over $250,000.

The year 1873 was one of the most eventful in the history of Memphis, and is remarkable among all those of its life, because, though at the opening full of promise, it brought towards its close a commercial panic and epidemics of cholera and yellow fever that checked its growth in trade and population. The commercial panic was most disastrous in its effects and reached to every part of the Union. Every branch of trade, commerce and manufactures was affected by it, and many of them completely prostrated. Railroad building, always an evidence of the country's prosperity, was brought to a stand still, and was not resumed until 1878. The railroads that had been projected from Memphis, some of them were never revived, others were put off for ten or more years. Only one of the two under contract, the Mississippi River road, was completed; the other, the Selma road, has never been finished. Nothing could be more hopeful than the outlook at the opening of the year. The Mardi Gras celebration remarkable for the first of a series of well-conceived and elaborately illustrated pictures in tableaux, gorgeous for color and exquisite for artistic perfection, was a decided success and attracted more than 20,000 persons from the neighboring and even the Northern States. This gave an impetus to trade, which was unusually brisk, and the confidence of press and public in the future ran so high that, despite the woeful condition of the county and city finances, the Nicholson pavement suits and mandamuses, the Chamber of Commerce gave its assent to the county voting $1,200,000 in aid of the Arkansas and Texas, and the Kansas City Railroads. This, too, in the face of the fact, published by the *Appeal*, that the Little Rock Railroad, then sunk in litigation, had cost $6,000,000, more than $1,500,000 having been sunk in it by Memphis and her citizens. But this lesson was pushed aside. The future was being banked upon, and the people were full of courage. The corner stone of the Masonic Temple was laid, the narrow guage railroad to Raleigh was completed and successfully opened to the public, which had been busying itself for some time with an old project revived, to form a State out of the Chickasaw Purchase, including West Kentucky and West Tennessee and the Chickasaw counties of North Mississippi. This was being discussed, and the Vienna Fair, to which J. W. Jefferson, an enterprising cotton factor, sent a bail of cotton, for which he was awarded a gold medal; the County Fair and the Industrial Exposition, to be held in the fall, when the cholera was announced early in June. But even this only occasioned a momentary spasm, from which the people, quickly recovering, went about their

business as usual, leaving the work of stamping out a disease that is still dreaded by most peoples, to the doctors. The business year came to an end and the new one opened under very gratifying circumstances on the 1st of September. Never in her history had Memphis been so prosperous. Never had her people been so buoyant as during the first two weeks of this month, during which there were some deaths from congestion reported, no one dreaming of yellow fever, when, on the 17th, that disease was declared epidemic. To say that a panic ensued but faintly tells the story of the condition into which the people were precipitated. The population was very soon reduced to about 25,000, for the care of whom a Citizens' Executive Committee was formed, which at once solicited aid from all the States, the response being liberal, many large subscriptions being sent from Europe. The Howard Association, the only organisation that could, in any sense, meet the emergency, was announced as ready for work on the 18th. But eight of the original members answered to roll call, the rest were dead or had removed from the city. Having only $130 in its treasury, a call was at once made by it for funds and recruits,[1] which was promptly responded to by the people of the city and State and nearly all the States of the Union. Nurses as well as money, clothes and provisions were at once sent by the other cities of the country, New Orleans and Mobile vieing with each other, and New York rivaling both. Dr. Luke P. Blackburn, of Kentucky, a gentleman whose skill in the treatment of yellow fever had long before secured him pre-eminence among his profession at home and abroad, with Major W. P. Walthall, of Mobile, were put in charge of an infirmary, which was of great advantage to the "Howards," as it secured prompt and proper treatment for a class of patients who already crowded the city hospital under Dr. Thornton, city physician and surgeon-in-charge of the Marine Hospital. Other societies and organisations aided in the work of cooling the fevered brow and closing the eyes of the dead, conspicuous among them being the Odd Fellows, temperance lodges, Freemasons, Knights of Pythias, Knights of Honor, the Roman Catholic and Protestant congregations, the Sisters and the Hebrew synagogues, the police and firemen, the telegraphers and typographers, and the city and county governments made appropriations each of $10,000 for the relief of the sick and the poor. The ministers of religion were, many of them, conspicuous, as much so as the physicians, in ministering to the wants of the sick and needy, relieving the widows and orphans, and carrying

[1] The eight members offering for duty were J. G. Lonsdale, sr., Dr. P. P, Frame, A. D. Langstaff, W. J. B, Lonsdale, J. P. Robertson, E. J. Mansford, A. G. Raymond, and Fred. Guiherz. The new members were W. J. Smith, J. J. Murphy, B. P. Anderson, J. G. Simpson, W. P. Wilson, G. W. Gordon, J. H. Smith, E. B. Foster, A. E. Frankland, W. S. Rogers, W. A. Holt, F. F. Bowen, J. F. Porter, R. T. Halstead, T. R. Waring, S. W. Rhode, W. J. Lemon, W. G. Barth, L. Seibeck, J. E. Lanphier, J. H. Edmondson, John Johnson (attorney), J. W. Cooper, F. A. Tyler, jr., C. A. Laffingwell, F. G. Connell, P. W. Semmes, D. E. Brettenum, and D. B. Graham.

consolation to all who were made desolate and were oppressed by the hands of the destroyer. All classes of the community suffered, and terror, dismay and sorrow were universal. Heroes and heroines abounded in every rank of society. More than one outcast, more than one waif, who had strayed far from the admonitions and teachings of early life, vied with the religious pastors and masters in sacred ministrations. As death levels all, so in the presence of death all are leveled. The whole community stood face to face with the king of terrors, and there was no time to ask questions, there was no time to weigh the nice distinctions of society, whoever offered life a willing sacrifice on the altar of duty was hailed and treated as brother or sister. There was but one standard of justification—works. Those who gave the cup of water were mustered among the faithful; they were the lights that lighted up the gloom, calm amid despair, brave in presence of a relentless foe, deliberate where death himself was hurried, they practiced the sublimest lessons of charity and added fresh luster to the record of human endurance, charity and good will. The dreadful scenes of death were repeated every day until the first week in November, when the epidemic was declared to be at an end, when the general council passed a series of resolutions thanking the people of the whole Union for their munificent and hearty help, promptly extended, and ordering a history of the epidemic to be prepared for publication. With the yellow fever epidemic came a commercial panic, which resulted in the collapse of the Freedman's Savings Bank and the closing of the First National Bank for a few days. There was a heavy run on the Union and Planter's Bank, the German National and the De Soto Bank, but they weathered the storm, meeting all the demands of their depositors promptly. The Jackson Insurance Company had previously been closed and was in the hands of the sheriff when the panic swept over the city. It left the merchants almost uninjured, though for a time inconvenienced. There were no failures that in the least degree affected the commercial status of the city, and when the year ended they were doing what they could to recover the ground lost by the awful ordeal of the yellow fever. They had opened the Cotton Exchange for which a charter had been procured in November, and were cheerfully pushing their fortunes notwithstanding there was still some want of confidence and a heavy pall of gloom had settled upon the city, which was deepened by the condition of the county's financial affairs, which were greatly complicated by McLean's default of $218,000, which the Supreme Court ordered his sureties to pay, and by the default of Woodward, county trustee, who absconded in December with more than $100,000 of registered warrants and cash. This was a staggering blow that brought the people again face to face with the problems of local government. So far it had been a costly experiment to them, and they were loud in their demand for a State Convention that would abolish some of the courts, the jury system in civil cases, which was a great tax, and to devise "a

more economical method of administering county affairs." In the city, although Mr. Johnson had brought order out of financial chaos and wreck, the tax burden was very heavy. It amounted to $2.50 in the $100 on a tax valuation of $24,000,000.[1] Yet, with all that Mayor Johnson, who had been tried and found not guilty of malfeasance in office, was demanding of the Legislature a summary and effectual process for the collection of $900,000 of back taxes, for which the general council had directed the issuance of distress warrants, the United States Circuit Court having issued its distress warrant against the city for $514,909 to pay T. E. Brown, the Nicholson pavement contractor. Among the notable crimes was the murder of John Nevel by Keel; the shooting of Bob Morgan by John Camden; the murder of Frank M. Moore at the bedside of his wife by unknown parties; and the killing of Esquire U. B. Hale by Constable Richard Gay at Cuba. There were some other homicides of and by persons not known as there was in the previous seven years, and it was acknowledged by the press that life was insecure. But Judge Flippin of the Criminal Court, Recorder Patrick Winters and Chief of Police Athy were doing what they could for the protection of the people by the rigid enforcement of the law against the carrying of concealed weapons, and were making inroads on the ranks of the criminal classes, the press aiding them by daily appeals to the better classes to set an example of obedience to the law, and give up the habit so general of carrying pistols. This was, of course, a work of time, but every year some success was achieved.[2] In July there was a personal diffi-

[1] On the 1st of January, 1873, Mayor Johnson reported the bonded debt, including $150,000 issued to the city schools as $3,898,500, an increase of $308,000, but the outstanding liabilities had been reduced from $1,200,000 in 1870 to $771,462, and the assets had been increased from $882,488 to $1,317,885, showing a net reduction of liabilities over assets of $550,435. The Nicholson pavement debt was not included in this statement for the reason that a case involving it was before the Supreme Court of the United States, and the amount could not be ascertained until determined by the court. Of the $150,000 issued for school purposes nearly all of it had been used in the erection of three very substantial school buildings that are monuments of Mr, Johnson's administration and the energy of the school board. Within the city limits, which, according to city engineer Humphreys, comprised four miles square, there were at that date 10.32 miles of paved streets, of which 9.68 were paved with wood and the remainder stone and there were 2.6 miles of alleys paved stone.

[2] Recorder Winters in presenting his report for 1872 congratulated the people of Memphis on the rapid decrease of crime. "The carrying of concealed weapons," he said, "a habit prevalent with almost all the roughs and depraved, has at all times during my administration met with the severest penalties. In all cases brought before me I have inflicted the heaviest fines, and in addition have bound the parties over in such sums as would certainly insure their appearance at the bar of the Criminal Court. I was prompted in this by the belief and knowledge that all of the greatest offenses are committed by those parties who habitually carry weapons, and not to punish them severely when caught, would not be affording that protection to our law-abiding citizens that they have a right to demand from their public servants. I am pleased to state that I have by this method succeeded, in a measure, in stopping this violation of our city and State laws. The arrests for this offense are rapidly on the decrease, and our

culty between Colonel Cole and Major Wintersmith, which by the intervention of friends was honorably adjusted; and John Clery was accidentally shot by Dr. M. L. Lewes. The notable deaths of the year were, in the order presented, those of Major Ed. A. Beecher, a distinguished member of the bar and gallant Confederate soldier; Captain John M. Ney; Colonel Pinson, a leading merchant, president of the Merchant's Exchange, an ex-confederate officer of distinction, and a politician of repute; M. E. Cochrane, a business man of high character and unblemished reputation; Colonel James Phelan, a former representative in the Federal Congress, a journalist, an officer in the Confederate Army, and a member of the Confederate States Senate, in all of which positions he was distinguished; James Moffett, merchant; Judge Hudson, a jurist of ability, a gallant Federal soldier, an upright citizen, and a man of scholarly tastes; John G. Finnie, an eminent citizen; J. J. Suter; Eugene Mageveny, an educator in early life, and always an upright, honorable and exemplary citizen; Alexander J. Stewart, a well known merchant of most honorable career; Rev. Dr. Bowman, pastor of the First Presbyterian Church; H. A. Littleton insurance agent; Judge J. F. Swayne, an excellent lawyer and devoted Christian, who exemplified his fidelity to his church by unselfish and constant work among the poor and ignorant. The notable incidents were the appearance of Charles Foster, the celebrated spirit medium; a concert at the theatre by Ole Bull the great violinist; the appearance of the comedian, John E. Owens, at the same place; two concerts by Rubenstein, the pianist; lecture by John G. Saxe, the poet; and performances at the theatre by Aimee. The theatre of which C. A. Leffingwell became the lessee and manager was closed during the epidemic, and was opened to a full house on the 6th of November, the play being "Watch and Wait, or Through Fire."

V

FROM the day in January, 1871, when the Democrats took possession of the State government in the person of John C. Brown, governor, who had been elected in November, 1870, that gentleman had been laboring very hard to reorganize the State government and bring it into harmony in all its branches with

citizens can rest assured that I will be unflagging in my endeavors to entirely abate this offense."

Chief of Police Athy in his report for the same year, on the subject of crime then so prevalent, said: "It is a well known fact that heretofore the City of Memphis has been a rendezvous for all kinds of thieves, robbers and criminals; and that, notwithstanding the energetic endeavors of some of the authorities, they, by the assistance of their confederates, managed to escape the strong arm of the law. It affords me much gratification to report that the principal haunts of these parties have been completely broken up, and some of the principals of the rings have been arrested and brought to justice, and thieves and robbers from abroad are satisfied hereafter to give our city a wide berth."

the new constitution. He made a thorough revision of the tax system, and closely and narrowly scanned the public school system, which by a law passed in 1873 he brought to its present condition of efficiency, the tax burdens of the people, and their ability to bear them considered. This act makes very liberal provision for the education of the children, and as early as this year of 1874 secured an average of seventy-seven days schooling out of the three hundred and sixty-five. Governor Brown also took up the question of the public debt, and working steadily under the law of 1870, by the 1st of July had reduced the bonded debt to $27,920,386.45 with solvent assets sufficient to reduce it to $21,000,000. At the same time that this great reduction in the bonded debt was being effected, $2,170,375.10 of the old issues of the Bank of Tennessee were received into the treasury and canceled, and the floating debt consisting in part of outstanding treasury warrants, was reduced from $752,417.27 to $232,067.01. The loan account had also been reduced from $300,000 to $121,000, making a total amount paid, in addition to the current expenses of the State government, and including the interest due July, 1874, of $3,488,752.36, and leaving unpaid a floating debt, including balance of loan account of $353,066.01, with a large part of the taxes for 1873 uncollected, and the revenue of 1874 untouched. Thus Governor John C. Brown brought order out of chaos, and made plain the State's ability to meet her obligations, and maintain her credit. But the past due interest had been accumulating at the rate of $1,000,000 a year, and amounted in October, 1871, to over $5,000,000; to provide for this and enable the State to resume interest payment, a funding act was passed in January, of 1873, under which by the 1st of July, 1874, $20,249,000 bonds were registered and funded, leaving $5,017,000 to be registered or funded, making a total of $25,266,000, of which amount it was stated the solvent roads would pay $3,461,871.75, and the purchasers of delinquent roads would pay $823,277, making a total of $4,285,148.75, leaving to be provided for by the State $20,980,851.25. Governor Brown stated positively that the bonds thus renewed under the provisions of the funding law of 1873, were all issued before the war, to establish the Bank of Tennessee, for the construction of the capitol, and the building of turnpike roads, and a large majority of the coupons funded were from the same class of ante-war bonds, against which no possible question could arise. Not one bond issued since the close of the war had been funded under the act, nor can be. The State thus re-established upon a solvent basis by an act the third section of which pledged "the faith, honor and credit of the State for the payment of the new funding bonds at maturity," enjoyed all the blessings of good government. The Ku-Klux had ceased to be more than a name, peace prevailed in all her borders, and kindly relations were fast being established between the white and black races, the negroes realising that they were protected in all their rights under the law, were provided with schools, and in some counties, Shelby among them,

were invited by Democrats to hold office. The contrast between the condition prevailing in 1869 and during this last year of Governor Brown's administration was remarkable. The only trouble that came to mar the general peace was a threatened riot in Somerville and a riot in Gibson county, in which a number of negroes were killed, both affairs being the result of the recent passage by Congress of the civil rights bill. But in both instances the State authorities acted with commendable vigor and promptness, rendering the interference of the Federal authorities unnecessary though they did interfere, but as Judge Ballard of the United States Circuit Court declared, without jurisdiction. The people of Memphis in mass meeting denounced the killing of the negroes, the *Appeal* being especially severe upon the murderers for whose apprehension Governor Brown offered a reward of $500 each. Among the speakers at the Memphis meeting were ex-President Davis, ex-Governor Isham G. Harris, General Forrest, Judge R. J. Morgan, Duncan McRae, Landon C. Haynes, and Charles Kortrecht. John Loague, who was elected mayor in the winter of 1873 to succeed John Johnson, was a man of "close business habits," of some experience in financiering, and with a great ambition to reduce the city debt and the tax burdens that were bearing so heavily upon the people. In his first message to the general council he showed that the bonded debt amounted to $3,982,000, and the floating debt to $603,084.53, making a total of $4,585,081.53, with assets amounting to $1,548,813, $312,380 of which was due by the purchasers of the city's stock in the Memphis and Charleston Railroad Company, and $977,189.01 being past due taxes, one-third of which was due prior to 1870. Besides the debt thus stated and to be added to it, there was the judgment of the United States Court for $450,000 in favor of T. E. Brown & Co., Nicholson pavement contractors, making a grand total of debt amounting to $5,125,081.53. To meet the interest and some of the principal of this debt, Mayor Loague explained that "according to the last assessment the value of real estate and improvements in the eight original wards was $21,362,500; and in the new wards, $1,926,475; the personal property, $4,928,994; in all, $28,217,969. The rate of taxation at present is: for general purposes, 1 per cent; interest, 1 per cent; schools, 30 cents on each $100, and sinking fund 20 cents; Nicholson pavement tax, $1.40; Mississippi River railroad tax, 10 cents, in the old wards. In the new limits, general tax $1; interest, 50 cents; schools, 30 cents; Mississippi River railroad tax, 10 cents; sinking fund, 10 cents; Nicholson pavement tax, $1.40 on each $100 worth of taxable property, making a total for the original wards of $4.00, and in the new wards $3.40 on each $100. To this must be added an additional tax to meet the judgments already decreed, and just now held up until an opportunity is given to you, gentlemen, to raise the money." In May, Mayor Loague had a second message in reference to the debt in which he traversed some of the ground he travelled over in the first. In this he made some recommendations of contest and raised the

question of the legality of some of the bonds, and he doubted if in any case the courts would compel the city to pay more than it received for them, which would not exceed forty-two cents on the dollar. Mr. Loague was very persistent in this matter, and in November issued a third message in which he urged the appointment of a commission of eminent citizens to unite with the creditors of the city in a convention to consider the debt and agree and determine upon a plan by which it might be refunded at a rate below its face value that would bring it within the reach of the city to pay. Several of the creditors had expressed a wish to this effect. To this the general counsel agreed, and the following named gentlemen, recommended by Mayor Loague, were appointed commissioners with power to act: G. A. Hanson, city attorney, and Messrs. I. M. Hill, E. M. Apperson, P. C. Bethel, J. M. Keating, and A. J. Kellar. In a circular stating the fact of the appointment of this commission, and giving the facts of the city debt, Mayor Loague called the attention of the people to the fact that the bond issues of 1867–68–69 were disposed of by the authorities at great loss, "so that on $1,896,000 issued, the amount of $1,123,086.83 was all that was realized, leaving a loss of $772,913.17, although at the time the city was prohibited by its charter from issuing bonds at less than their face value. These bonds," he concluded, "can at the option of the courts be declared utterly void." In this circular he stated the net debt on account of bonds to be $4,151,165, and all other forms of debt, including the Nicholson pavement judgments, to be $1,500,000, making a total of $5,651,165. This commission supplied with all needed data as to the debt, how made and what for, went to New York and there consulted with some of the creditors, and after a week of strenuous effort, confessed failure and returned home to make a report to that effect. A majority of the creditors were inexorable and refused all overtures for a settlement at less than the face value of the bonds. Mr. Loague, though disappointed in the result was not depressed. He appealed to the general council for help in his financial difficulties, and it authorized him to issue scrip for the certificates held by the tax payers who had paid the Nicholson pavement tax and to employ William M. Randolph to represent the city in the suits then pending in the Supreme Court of the United States. But this was not accomplished without difficulty. The aldermen and councilmen indulged in fierce debates over these and even simpler propositions, and indulged in blasphemy and billingsgate, as the newspapers reported, drawing pistols to enforce their views upon one another. The banks and the merchants who were still overborne with taxes, opposed the levy of a tax on capital to pay the Nicholson pavement debt, and Lowden brought suit against the city on paving contracts, but the mayor maintained his position, fought all these suits vigorously, resisted all attempts to put off the tax collector, and at the same time refused to redeem any bonds that had not been sold for their face value, and he also succeeded in having the rate of taxation reduced one

half, and in abolishing the wharf tax. While thus steadily contending to save the people from the consequences of their previous financial indiscretions, he also contended for some sanitary reforms, and succeeded in having "Happy Hollow," where the yellow fever originated in 1873, evacuated by a very disreputable class of people and cleaned and disinfected, the council also conceded to him the employment of negroes as policemen, but refused to confirm the negroes he appointed to serve as firemen, which also called out the bitter opposition of the people. There were some noisy debates in both boards upon the pavement contracts being executed by Lowden, and Alderman Hughes was expelled, and Alderman Cicalla entered suit against Colonel Mageveny for libel. There was very little serious deliberation to be had in either the board of aldermen or councilmen, the tone and temper of both bodies being rather querulous and quarrelsome. There was "a great deal of politics in the air," the passage of the civil rights bill having re-opened the political sores which under Governor John C. Brown's administration had almost been healed. The condition of the county affairs and the confusing number and variety of tax suits, also made the people testy, and there was a strong disposition manifested to make close inquiry into the methods of the County Court, which despite its debt, defalcations, and suits and cross suits, launched into the purchase for court house purposes of the Overton Hotel for $150,000, payable one-third cash, the rest in one and two year payments, an Adams street lot to be taken in part payment of $18,000.[1] It also voted $20,000 toward the building of a new insane asylum, the grand jury having reported the management of the poor-house, where the insane were confined, as disgraceful, the inmates being brutally treated. That body also denounced the loose system of book-keeping, habitual with county officials, and their speculating in county warrants. There was nothing like management, but rather general mismanagement and looseness, and the grand jury found it necessary, in view of the defalcations of McLean and Woodward, to order the strengthening of the bonds of all the county officers. A committee of the County Court made a report rebutting the charges of the grand jury, and suits were entered against the bondsmen of all defaulting officers with a view to recover, and they ordered the building of a new poor-house and entered suit for the recovery of $100,000 from the Selma, Marion and Memphis Railroad. But notwithstanding this confusion in their public affairs, the people were more energetic than ever in trying to recover lost ground, and were holding meetings to express sympathy with the people of Louisiana and Mississippi, who were still under radical rule, were subscribing liberally for the relief of the sufferers by a recent storm in Alabama, were feeding nearly 400 persons left destitute by the epidemic, and were looking closely after the affairs of the several orphan asylums and relieving their necessities.

[1] Subsequently there was nearly as much expended in altering the building and adapting it to the purposes intended.

Besides which they subscribed nearly $300 for the erection of a monument to the memory of the physicians who died at their posts during the epidemic. They also seconded the board of health in its efforts to put the city in a sanitary condition, and to that end the General Council appropriated $10,000, donated a site on the bluff to the Federal government for a post-office and custom-house, and took the initial steps towards the erection of a cotton factory, and subscribed for a preliminary survey of the Memphis and Knoxville Railroad. The State elections and the canvasses, conventions and campaign that followed aroused the people to fever heat again, a discussion of the civil rights bill increasing the bitterness which was intensified by events in the adjoining States. Ex-President Johnson, who was a candidate for the United States Senate, made his last visit to the city and made several speeches, one before the Cotton Exchange, whose members received him cordially. James D. Porter was elected governor, and the whole Democratic ticket with him and a Legislature, which elected Mr. Johnson to the Senate on the fifty-first ballot in the following January. Among the notable crimes was the destruction of the Louisville and Nashville Railroad machine-shops by an incendiary; the murder of Jerry Delaney in Bayou Gayoso; the murder of his wife by Charles Clanton; and the shooting of John Gazzola by a policeman. There were serious difficulties between M. E. Smeltzer, of the *Avalanche*, and C. T. Robinson, of the *Register*, and between B. B. Barnes and M. D. Welsh, in which the latter was severely wounded. The deaths were of Colonel N. D. Collins, Captain C. B. Church, an old and honored citizen; Decatur J. Doyle, Dr. Rawlings, Dr. Creighton, Esquire T. C. Bleckley, Rev. L. C. Ransom, and Noland S. Bruce, one of the most enterprising manufacturers in the city, and one of the oldest. The memorable amusements of 1874 were Ben. De Bar in Falstaff at the Theatre; the Fifth Avenue Theatre Company, in Divorce; Lotta at the Theatre; "Pips," Mrs. G. O'Byrne's readings; T. C. King, tragedian, as Hamlet at the Theatre; the Mendelssohn Club in the "May Queen"; Lawrence Barrett at the Theatre; George D. Chaplin at the Theatre in Monte Christo; Mrs. Chanfrau at the Theatre; benefit on the 13th of March for the Mattie Stevenson movement; McWade, comedian, as Rip Van Winkle at the Theatre; Tom. Davey becomes manager of the Theatre; E. L. Davenport in "New Way to Pay Old Debts" at the Theatre; Edwin Adams in "Enoch Arden" at the same house; Humpty Dumpty at the Theatre; Madame Parque, a Haytian woman's lectures on her country at St. Andrews Chapel; Bishop Haven, of the Northern Methodist Church, lectures at St. Johns Church; the "Messiah" given by the amateurs under Professor Perring; Mrs. Clem. C. Clay, with other amateurs, in "Jarley's Wax Works" at the Theatre, for charity; Marion Mordaunt in "Oliver Twist"; Wybert Rieve and Adeline Stanhope in "The Woman in White" at the Theatre.

A census of the population of the city, taken in 1875, showed it to be

40,230, an increase of only four since 1870, when the Federal census declared it to be 40,226. It was evident from this that the losses by epidemic disease in 1873 had been very great, and that the growth of the city had been very much retarded by it. The same rate of increase that had prevailed from 1865 to 1870 would, from 1870 to 1875, have brought the population up to 53,000. The difference shows a real loss of 13,000 persons in five years. This was anomalous in an American city with so many advantages of position and surroundings as Memphis, and was a fearful penalty to pay for sanitary neglect and public indifference to the laws of health and the economy of life. But though there was a spasmodic effort at what was termed "clearing up," nothing was done on an effective and permanent basis in the way of sanitary work, and the authorities and the people soon fell into the old methods of easy indifference and came to regard the *Appeal*, which clamored for sanitary organisation and thorough work, as needlessly an "alarmist sheet." But the people moved in another direction. The extraordinary rate of taxation necessary to the support of the city and county governments, the expenditure in 1874 of over $420,000 by the city without leaving any tangible evidence of improvement, and the insecure and irresponsible financial management of the county had awakened the tax-payers to a sense of "impending bankruptcy and ruin," and they proceeded to form a "People's Protective Union" for the purpose of investigating all public affairs and proposing a remedy for existing and glaring evils. The streets of the city were in a deplorable condition and the country roads at certain seasons were impassable, yet with all the money collected from the people nothing was done to make them thoroughly available for the people who were clamorous for reform. The merchants and business men were, if possible, more enterprising than ever and proudly pointed to their success evidenced in the fact that the gross receipts of trade in 1874 were $26,617,727 more than those of 1861. This, in the face of accumulating difficulties of public debt, defalcations and official extravagance, was, they thought, most encouraging. But they were not satisfied. They desired to do better, and therefore determined upon a sweeping change. They were tired of grand jury reports, indictments and recommendations that seldom resulted in anything more than a momentary sensation, fruitful of public controversy and often of personal crimination and recrimination, and therefore organised this association, a committee of which, on the 12th of January, made a report on public affairs with recommendations, accompanied by bills prepared by a committee of the ablest lawyers of the city—Archibald Wright, W. L. Scott, Miner Meriwether, Isham G. Harris, L. B. Horrigan, George Gantt, and B. M. Estes. This report and these recommendations and bills were adopted by a committee of the Chamber of Commerce—John C. Xizer, James C. Neely, D. T. Porter, J. T. Fargason, L. Hanauer and B. Eisman—and presented to that body, which after several days delay, much consideration and debate, were also

adopted by that body. It recommended many reforms as to juries and jury service, the collection of taxes, the salaries and fees of public officers, vagrancy, the establishment of a reformatory prison, and "the repeal of the city charter so as to place the government of the city in the hands of a board of commissioners to consist of three persons, to be nominated by the governor of the State, and by and with the advice and consent of the senate appointed. The term of their office should be six years, and they should have a clerk and such assistants as the exigencies of their duties may from time to time require. They should have adequate salaries, and devote their entire time to the duties of the office. All the powers and duties which are now vested in and performed by the mayor, the boards of common councilmen and aldermen, or the general council of the city, except such as may be dispensed with under the new system, should be vested in said board of commissioners, with such additional duties and restrictions as may be proper; and the mayor, the board of common councilmen and aldermen, and the general council of the city should be relieved from all further duties and obligations incidental to their offices as mayor, and as members of the board of common councilmen and aldermen, and of the general council of the city, or otherwise; and their offices should be repealed and their official duties and powers of every character cease. The police system, the fire department, the recorder's court, and such other offices and agencies as the new system may demand, should be preserved with proper modifications. The office of city tax-collector, city treasurer, sergeant-at-arms, city assessors, the board of assessors, city comptroller, city register, mayor's clerk, comptroller's clerk, tax collector's clerk, register's clerk, and all other useless offices or agencies, under the new system, should be abolished. This may be said to be a potent change in our city government. Be it so. It is not more potent than our distressed condition as a people demands. In our opinion, we have no other remedy. When the taxes and burdens of a government — city, county or State — become so grievous as to materially impair, and, in many instances, totally absorb the incomes of its people, it should be abolished or altered. This is self-evident, unless the government is made for the office-holders. We believe we may safely, within truth, affirm, that in a majority of cases the rents of the real estate of this city do not pay the taxes, repairs and insurance. But few are willing to buy or build; they prefer to rent. Much of our capital, even though an interest of ten per cent. is allowed, seeks investment abroad, scarcely any comes to our city, and many of our people are seeking new homes, because there can be no prosperity in a city governed and taxed as we are. Every business is afflicted by these burdens; the mischief is not limited to the real estate owner and merchant, but goes to the farmer, mechanic and laborer. All taxes must of necessity enter into our business relations. So closely are capital and labor connected that whatever depresses the one

hurts the other. Few houses are built, because no one will encounter the taxes, and hence our mechanics are idle. Whatever embarrasses the property holder or man of thrift, lessens the wages and living of the laborer. Our position, as a people, in Memphis may be peculiar, and it may be difficult for our fellow-citizens in the other portions of the State to comprehend our true condition. We have in our midst a large and controlling voting element, which has but little at stake in the welfare of our city. This element, combined as it generally is, with some other element more ambitious of office than the good of the city, has but little difficulty in fixing upon us incompetent and corrupt officers, and as a consequence bad measures. The result of this is a constantly increasing indebtedness on the part of the city, indirectly created by a class of voters who pay little or no taxes. We hold it as self-evident that he who is to pay the debt should alone make it, and that the reverse rule is ruinous. It will at once be apparent, and we hesitate not to affirm it, that our purpose is to remove our city government, and the business interest of the city, away from the popular elections of the times and from all partisan influences. These elections, aside from the above conclusive views against them, are too frequent, beget swarms of incompetent office-seekers and idlers, greatly damage the morals of the people and disturb the industrial pursuits of the country. We submit that we have have too many local governments. They cost too much and are of little value, and should, if possible, be reduced in number and cost. We see no constitutional difficulty in the way of the change we seek. That the Legislature, before our present State constitution, had complete control over the city government and its offices, admits of no question. If it be supposed that our present city charter comes under article II, section 8, of the present State constitution, and that the change we recommend can only be effected by a general law (and we are not prepared to controvert this), then a new charter may be written out entire, applicable to all cities and towns having a greater population than twenty-five thousand inhabitants. A bill may be drafted to carry out our views, as above expressed. We cannot close without the mention of another subject. Machinery and manufacturing of every sort, including all buildings hereafter to be erected, should be exempt from taxes for a series of years. This might induce capitalists at home and abroad to make investments among us that would greatly enrich our State, and encourage a large class of our people—male and female—who are now idle and who are prejudiced against field labor, to become useful and productive laborers." This indictment and its accompanying recommendations were bitterly opposed by the press and the great body of the people, and were therefore held in abeyance. But the tax-payers kept the suggestions they contained in sight as a possible and ultimate alternative. They were extreme and radical, but the disease they were intended to cure required just such heroic remedies. The situation of public affairs was really desperate and every de-

partment of the public service needed revision. Even the board of school visitors admitted, through a committee,[1] that there was room for reform in the management of the schools. The Peoples' Protective Union, through Major Meriwether, denounced the latitude of the school charter, which granted powers of expenditure, and for the issue of bonds that should, it insisted, be vested in the control of the city government. But all these recommendations were passed unheeded by the Legislature, which during this year's session, passed a law for the employment of county convicts in the macadamising of the public roads, which, taken advantage of by the authorities of Shelby county, effected a great change in the advancement of the interests of the farmers and suburban residents. It also elected ex-President Johnson to the United States Senate, who was warmly welcomed by the people of Memphis in the midst of Mardi Gras festivities of more than usual *eclat*, perhaps the most brilliant pageant ever attempted in Memphis, being the great feature of the day, subject, "Ferdinand and Isabel." The production of a series of tableaux illustrating so important a chapter in history was attended with great expense and required the most patient research in accurately securing the necessary details, and very high artistic taste in the composition of the several groups that were in sequence and continuity to tell a story that required many chapters from the pen of the historian. To General Colton Greene, Memphis was indebted for this and many similar displays, every one of them made with a purpose to educate the people, elevate their taste in amusements and attract attention to the city as a place of culture. Some adverse criticism as to these expensive displays was made by persons who could not distinguish between the extravagance and recklessness in public expenditures by public officials that had brought the city and county to the direst straits of misfortune, and the private enterprise of good citizens — but it fell harmlessly. The men who ministered to make these annual feasts of instruction and amusement were actuated by a purpose to counteract the effects abroad of the city's untoward condition and retain the good will and the trade of the people of the surrounding country. And they succeeded. They thus helped to keep alive the public spirit of the place and break the force of the eternal wrangling over city and county finances, over peremptory mandamuses, suits for taxes, the controversy over the right of way for the Charleston Railroad through Washington street, suits testing the validity of certain issues of city bonds and county warrants for city scrip for city offices, for the taxing of banks and insurance companies, the taxing of the stock of non-residents, the payment of additional salaries to judges by the County Court, the city's right to issue distress warrants, and to test the validity of the new charter by which some tenacious officials had been

[1] That committee was composed of M. B. Trezevant, H. Townsend and R. W. Mitchell, of the board, and Judge H. G. Smith, Thomas Boyle, T. M. Rhett and William E. Boggs.

legislated out of office. Mayor League at once accepted the charter which cut down the number of policemen to one per thousand of the population, and prohibited the council from making donations of money or subscribing for bonds or stocks in any corporation or company. It also limited the tax to be levied for all city purposes to $1.60, which was to be divided by a budget which once fixed upon was to be imperative, and no departure from which could be taken without the incurring by the members of the General Council of an individual liability. It also provided for a board of police and fire commissioners who were to govern, control and manage the fire and police departments with a purpose to increase their efficiency, and prevent the members from taking any other part in local politics than the deposit of their votes at elections. These provisions made the new charter odious to the managing politicians and it was freely denounced, the council only yielding to its acceptance after several months of agitation, many of the citizens refusing to be reconciled to it until the Supreme Court sustained Chancellor Samuel P. Walker's decision, declaring it constitutional. The General Council, which was in opposition to Mayor League, who was one of the prime movers in securing the new charter, were glad to have an opportunity of investigating charges preferred against him of violating section fifty-six of the new charter by borrowing $1,072.50 from the interest fund for other city purposes. But it was not sustained, nor was another charge that he had used $560 worth of city scrip as collateral for his own private purposes. The council was also glad of an opportunity of forcing City Attorney Hansen, a faithful officer, to resign, which he did, being a high spirited man, on a question of veracity between him and City Comptroller Newsom. In a formal communication to the general council on the mandamus cases he stated the city debt to be $6,500,000, and the annual interest $390,000. The city comptroller when appealed to by the council, stated this was not true, that the debt was $5,522,362.22, against which there were assets amounting to $1,675,208.39, leaving net liabilities amounting to $3,847,154.43, showing a discrepancy between the city attorney's figures and the comptroller's of $2,652,845.57. A committee of the council upon investigation endorsed the comptroller's report, whereupon Mr. Hansen resigned. This induced the People's Protective Union to send through a committee[1] a very earnest communication requesting that the city employ an attorney of admittedly high character and ability who would be able to stem the current of suits and mandamuses that threatened utter ruin to the city. In their communication the committee declared that

"The financial condition of the city of Memphis has reached a crisis threatening wholesale confiscation, and the expulsion of the people from their homes, alarming to every citizen having

[1] This committee was composed of M. L. Meacham, Minor Meriwether, J. T. Ammonett, W. A. Bickford, W. L. Vance, F. A. Tyler, R. C. Brinkley, Hugh Torrance, M. Burke, A. Woodruff, H. M. Ives.

the interest of the city at heart. The remorseless Shylocks who speculate in city bonds at twenty-one cents. demand their payment dollar for dollar, and expect by the writ of mandamus to override the law limiting the rate of taxation, and compel the collection of a tax sufficient for its immediate payment. If this is the law, and it is to be enforced, it amounts to virtual confiscation, and the people, especially the poor, will be turned into the streets, and their humble homes, the fruit of years of hard toil and frugality, will pass for a mere song into the hands of greedy speculators in city bonds. It is well known that a large amount of the debt of the city is illegal, and was imposed upon a people having no voice in its creation, through military rule and through the instrumentality of elections held in violation of law, and conducted in fraud and violence, while a large majority of tax-payers were disfranchised and denied the right of voting upon the very proposition to issue the bonds. In the election for the million-dollar issue in 1868, some man who paid thousands of dollars of taxes annually, was driven from the polls with insult when he offered to vote against the issue of bonds. A large amount of the debt of the city has been created not only without authority, but in positive violation of law. Every dollar of the scrip issued by the military government, and subsequently funded, is illegal. In the M'Davitt-Mabry contract city scrip, issued sometimes three for one, and costing the holder about thirty-three cents at the average, was funded at par for bonds at sixty-five cents or less, making the bond cost the holder about twenty-one and a half cents, so that in cases where scrip was issued three for one, and subsequently funded at sixty-five cents, the city realised on the bond about seven cents. Those who speculate in the life-blood of the city, and some who esteemed it no dishonor to neglect the payment of their private debts, prate about the honor and credit of the city, and insist upon the 'pound of flesh,' though the operation reduced the people to penury and serfdom to the bondholder. Such people talk of the innocent holder, as if none but bondholders were innocent, and the people a set of knaves, seeking to evade the payment of just debts. We proclaim and insist that the victimised and plundered people are the innocent parties, and the bondholders were bound to know of the fraud and outrage perpetrated upon a helpless people."

This was the stirring preamble to a series of resolutions asking for the appointment of the ablest lawyer to be had, and who would accept the office of city attorney, a request that was at once complied with by the appointment by Mayor Loague of Judge S. P. Walker, who resigned the chancellorship and accepted, his first opinion being adverse to the payment of salaries declared by the members of the council. His next was to ask for the employment of an assistant[1] with whose aid he won a suit in the United States Supreme Court, which saved the city in something like $300,000, the court holding that the amount in excess of $1,000 000, in bonds issued under the Leftwich administration, $135,000 with coupons, was void. This was a good beginning, and encouraged the people to believe that they had some, if not all, of the equities on their side, so strongly stated by the committee of the People's Protective Association. The general council against which much complaint was made for the persistency with which members insisted on a monthly compensation of $50 each, for which there was no warrant in law, were curiously inconsistent as when Messrs. James Elder, John S. Fargason, F. S. Davis, James C. Neeley and N. Fontaine subscribed each a certain sum of money for the purpose of erecting a fountain in Court square, to cost not less than $5,000, the council in granting them leave to thus beautify the little park,

[1] Colonel Duncan K. McRae.

and enhance its value as a promenade and place of enjoyment and rest for the people, struck out the clause in the agreement obligating the city to pay for the water supply, and yet a day or two after they appropriated $1,000 for the erection of a public clock. Among the most notable incidents of the year was the fraternal greeting given the ex-Federal soldiers by the surviving Confederates at the graves of their dead comrades in Elmwood, early in May; the celebration of the Centennial of the Mecklenburg Declaration of Independence at the Theatre on the 19th of May; a mass-meeting in honor of the deceased Irish patriot, John Mitchell, at which appropriate resolutions were adopted; the laying of the corner-stone of the Memphis Bethel and of the Masonic Hall; picnics by the French, German, Italian and Irish citizens for the relief of the sufferers by recent floods in France; and the speech of ex-President Jefferson Davis at the St. Andrews' banquet in response to the toast, "Scotland and her people." Among the notable deaths were that of Landon C. Haynes, who served in the Federal and Confederate Congresses, was an able lawyer and an unusually gifted speaker; ex-President Andrew Johnson, William B. Greenlaw, an enterprising public-spirited citizen, and John Kirk, one of the oldest citizens and at one time a leading merchant. The destruction of the wood and willow ware factory by fire in August, loss equal to $50,000, was much regretted. The notable crimes were: Involuntary manslaughter by Charles Trotter, who killed Joseph Hyatt; the great express robbery, of which Ed. H. Johnson, Henry Johnson and John Woods were convicted and for which they were sent to the penitentiary for terms ranging from twenty-one to ten years; the stabbing of J. B. Conri by Louis Longonetti; and the killing of ex-Turnkey Madigan by Policeman Carmichael. The year 1875 was especially notable for the variety of amusements, provided in fairs, picnics, concerts, masquerades and balls, given for charitable purposes and for the excellence of the companies that appeared at the Theatre; among them the Fifth Avenue company, Daly's company, Buffalo Bill and his company, Barrett in "The man O'Airlie," Ilma de Murska and Carreno, the great pianiste in concerts, Adelaide Phillips and her opera company, William F. Stephens and his dogs "Romeo" and "Bip," Joe Murphy, the Irish comedian, and his company, Mrs. General Lander and her company, Joe Jefferson and Joe Emmett, the eccentric comedians.

In 1876 Judge John R. Flippin was elected mayor and took the place vacated by Mr. Loague, who, in his final report to the General Council, made a comparative statement of the collections of revenue for 1873–74–75, from which it appeared that the amount collected in 1873 was $706,313.41, while for 1874 it was $467,489.59, and for 1875 was $449,896.49, the expenses for 1874 being $458,559.73, higher by several thousand dollars than they had been since 1870, while for 1875 they were only $284,773.82. With this example of economy and reform before them, Mayor Flippin and the new city coun-

cil entered upon their duties with avowed intentions of close management and retrenchment, and they were justified in it by the decision in February of Judge Brown of the United States District Court, in which he held that a city had a right to sell its bonds for whatever it could get for them, and in the T. E. Brown Nicholson pavement mandamus cases ordered the General Council to levy and collect a tax when all other taxes are collected, the ninth and tenth wards to be exempt from such tax, as they had not received any benefits from the Nicholson pavement. The council, obeying this order, made a levy upon the capital of merchants and bankers, which they combined to resist, but Judge Emmons, of the United States Circuit Court, decided against them, but nothing daunted they filed a bill of injunction restraining the city tax-collector from collecting the tax, and appealed their case to the Supreme Court. Pending a hearing and decision, Mayor Flippin sent, on the 5th of July, his first message to the General Council, which almost sustained the extraordinary figures of ex-City Attorney Hanson as to the financial condition of the city. He stated the debt of the city to be $5,600,000, of which $600,000 was matured coupons bearing interest at the rate of seven per cent.; the annual interest account amounting to $350,000, and the annual expenses to about $300,000 if anything was to be done towards repairing the rotting Nicholson pavement. To meet this the interest collected at the rate fixed by the charter was less than $50,000, and the sinking fund less than $60,000. The taxable values had been reduced to $23,000,000, the State and county tax was $280,000, and the mandamus tax being collected for 1875 would amount to about $400,000. To meet this and all the other forms of indebtedness, and pay expenses, would require the sum of $1,400,000, which was more than six per cent. upon the assessable values.[1] To relieve the city, the mayor proposed an impracticable and fanciful scheme, which, in his own words, was "to retire all the debt over $5,000,000 by delinquent taxes, then from the gross sum deduct one-third, leaving $3,333,333, fund this in $100 bonds, making 33,333 bonds due in thirty years, interest on them payable when drawn, as per schedule given. From these draw annually, paying four per cent. on numbers drawn, using not less than $140,000 yearly for the first ten years, $150,000 for the second ten, and $160,000 for the last ten years." This was much debated by the press, the people and the council, but not as a practical scheme. In the first place the delinquent taxes were an uncertain quantity, then the annual drawings were of doubtful legality, and the reduction of one-third depended upon the bondholders. Dropping this plan, Mayor Flippin went to New York and consulted with the bondholders as to a settlement, when they agreed to scale at sixty cents on the dollar. Reporting this to the General Council, that body instructed him to prepare a bill for the next Legislature to enable the city to

[1] The sinking fund commissioners were at this time purchasing bonds at from thirty-seven and one-half to forty cents on the dollar.

carry out the basis of compromise. The notable incidents of the year were the conveying of a site on the bluff in front of Madison street, by the city to the Federal government, for a post-office and custom-house; a public subscription of between $6,000 and $7,000 for the sufferers by yellow fever in Savannah; the completion of the fountain in Court Square by the efforts of Mr. James Elder, a venerated and esteemed citizen, and its presentation to the city, the Hon. Emerson Etheridge making the presentation speech; the dedication of the new Bethel building for the education of the waifs and strays of the city; the delivery of a lecture at the Theatre by Victoria Woodhull; the sale of the navy yard property to redeem the city's endorsement of the Little Rock Railroad bonds, the sum paid being $117,000, the purchasers, Amos Woodruff and J. J. McCombs, being allowed to give notes bearing six per cent. interest from date with security. This closed a tedious and long continued litigation, by which the city sunk fully $540,000. The failure of the Southern and Carolina Life Insurance Companies, with liabilities of $1,117,000, was another incident. The deaths of the year were Van A. W. Anderson, a promising young attorney; Mrs. Jones, widow of the late Governor James C. Jones; Robertson Topp, one of the historic and most honored of the public men of the city; General John C. Fizer, a gallant soldier and respected merchant; John T. Stratton, one of the oldest and most honorable of the merchants of the city; H. L. Guion, a highly esteemed business man, and N. B. Hamlin. The only notable crime of the year was the killing of W. Carroll Bolton by Jack Stinson, who was in turn killed by Bolton's nephew. In furnishing amusements the amateurs were this year very conspicuous and very successful, and the noted professionals who appeared at the Theatre or Greenlaw Opera House were the tragedian Barry Sullivan, Harrigan & Hart, comedians; the Wallace sisters; Edwin Adams, the tragedian; Couldock; Maggie Mitchell; Josh Billings, comic lecturer; the Richings-Barnard opera troupe; the Royal Japanese contortionists; Fay Templeton, and Genevieve Rogers. The notable political events in the State were the re-election of Governor James D. Porter by a majority of 50,000 over Dorsey B. Thomas, an independent Democrat, who received the bulk of the Republican vote, the Legislature electing Isham G. Harris and James E. Bailey to the United States Senate, the latter to fill the vacancy created by the death of Andrew Johnson, which had been for a time filled by D. M. Key, by appointment of Governor Porter. The presidential election, which was conducted with unusual acerbity and bitterness by the Republicans, resulted in an appeal to Congress as between Samuel J. Tilden, of New York, and Rutherford B. Hayes, of Ohio, who was seated by the vote of a special commission, which counted the electoral vote of Louisiana for Hayes, while it conceded the election of the Democratic candidate for governor, Nichols. This freed that State from Radical control, and as Governor Ames, of Mississippi, declined to have his honor and honesty tested by an

impeachment trial and resigned, that State, as Arkansas had in 1874, was also released from Radical control. This brought reconstruction practically to an end at the South, as Hayes, in order to conciliate that section, refused to enforce farther coercive measures proposed by Congress, or to call out troops or interfere with the States except in the constitutional way. The reconstruction period, which cost the South more than $110,000,000, stolen by her political masters, lasted for nearly thirteen years, from 1863 to the winter of 1876, and was marked by every degree of passion and bitterness, and by a malevolence in legislation by Congress scarcely exceeded in its brutalising tendencies by the legislation of England during the last and the beginning of the present century which destroyed the manufactures of Ireland and sunk the mass of the people of that kingdom in the depths of a degradation too profound for words to express. Much of this had its foundation in the personally vindictive hate for the South of Mr. Thaddeus Stevens, of Pennsylvania, who became the paramount leader of the Republican party because of that hate, and was in direct opposition to the purposes of Mr. Lincoln which were constitutional and in conformity with his frequent avowals during the war and the solemn declarations of Congress itself up at least to 1862 that the restoration of the Union was the only purpose of the government in prosecuting the war. Restoration and not reconstruction was Mr. Lincoln's policy. He could not constitutionally have had any other. When armed opposition to the Federal government ceased there was nothing else to be done by the president but recognise the existing governments of the States, invite them to call conventions and expunge from their constitutions whatever had been incorporated in them that was repugnant to the constitution of the United States. It was the people of the States that gave them existence, and they must be recognised as citizens of the United States since the Confederate States government which they had upheld so long and with such unequaled heroism and valor, had totally disappeared. Although on a scale involving all the people of the South, the war, according to the only tenable theory under our constitutional form of government that could be held by the Federal authorities, was but an armed insurrection against the autonomy of the Federal Union, the government of which by acts of Congress and the proclamations of the executive through all the years of the bloody struggle recognised the authority of the States and declared its belief, as in some instances it was justified in doing, that there were in every one of them enough loyal citizens through whom the machinery of government might be set going in harmony with the Federal constitution. It was in this belief that the State governments of Tennessee, Virginia, Arkansas, and Louisiana were set up in 1863-65 and were recognised by the Lincoln administration, the representatives from Louisiana being admitted to the House in 1863. These governments were established by comparatively few citizens, yet were not interfered with by Congress until in 1866 the contest with President John-

son began. Tennessee thus in part restored to the Union, was, as these pages bear witness, in sympathy with the reconstruction purposes of the Republican Congress, its radical government disfranchised every man who served in the Confederate army or navy or in any of the various branches of the civil service of that government, and this disfranchisement continued until 1870. Governor Brownlow, who represented a phase of Republicanism as defiant of the Constitution and as vindictive as that of Thaddeus Stevens, was elected to the United States Senate in 1869, and Mr. Senter, speaker of the State Senate, took his place by virtue of the constitution. Mr. Senter, less bitter than his predecessor and more tractable, consented to assist in securing a call for a State constitutional convention which was held in 1870, when a constitution was adopted that removed all disabilities and made all men, white as well as black, free and equal before the law. Memphis felt the impetus of this freedom and went forward with a bound, recovering before 1873 much of what she had lost by the war and up to 1870, but being the commercial center of a territory most of which lay in the unreconstructed States of Arkansas and Mississippi, her people sympathised with the disfranchised intelligent citizens of those States, who were subjected to ignorant negro governments under carpet-bag domination and control. She was the center of their agitation, and from her citizens, and especially from her press, they received both aid and encouragement in their unequal struggle. They were not only under the complete subjection of alien State governments which taxed them without permitting them representation, but were under the ban of Federal laws that provided for the punishment of any concerted protest or revolutionary movement with almost Draconian severity. There were many causes for this condition of affairs that were the unavoidable outgrowth of circumstances each one hinged to the other, and growing out of the desire of the ultra Republicans to garner, as they would say, all the fruits of the civil war — such as the denial of the right of secession, the freedom of the slave, his elevation to citizenship and the ballot, the repudiation of the Confederate debt, and the sovereign supremacy of the Federal over State governments. The Southern States under provisional forms of government that were immediately after abolished to make way for military governments, had complied with some of these requirements. Each of them had ratified the Fourteenth and Fifteenth amendments admitting the negro to freedom, repudiating the Confederate debt and the debts contracted by the States in aid of the Confederate government; but they were unwilling to confer the right to vote on the negro, fearing, as they had a right to fear, and as subsequent events proved, they were justified in fearing, that the freedmen would become the tools of the designing adventurers from the North then swarming in all the States, and who were ripe for any extreme of political change. Most of the provisional legislatures were impolitic enough, in the face of the enkindling political passion of the

party then administering the Federal government, to pass vagrancy acts, that plainly had the control of the negro in view, and to restrict the right of suffrage to the whites. But in this they were justified. They were witnesses of the demoralisation that ensued in Tennessee as a result of the conferring of the franchise in 1867 on the negroes of that State, who in many cases refused to work, declaring they intended to have a good time at the expense of the planters, whom they had been prompted by designing white leaders to claim owed them hundreds of millions of dollars for the labor of their forefathers ever since slavery had been introduced in Virginia by Dutch speculators. While suffering from a system of labor so disordered, Tennessee, as has been shown, did not escape the thieving process of debt-making that followed to most of the other former Confederate States as a result of what at the time was termed Black Republican rule. Arkansas, one of these, suffered severely in this respect. Her capital, Little Rock, having been captured in September, 1863, steps were immediately taken for the reformation of her State government by what were termed "loyal" citizens. A convention was held which adopted a constitution abolishing slavery, repudiating the right of secession and the debt made in aid of the Confederacy, but restricted the right of suffrage to white male citizens. This constitution was ratified on the 14th of March, when also State officers were chosen. On the 28th of the same month President Lincoln ignorant of what had been done ordered an election. The government thus organised was recognised by Mr. Lincoln and remained in power until 1867, when it was suspended by the reconstruction act of Congress of March 2, of that year, which was the first that had been passed. By this the States that had formed the Confederacy, Tennessee excepted, were (1) divided into five military districts (Mississippi and Arkansas forming the fifth); (2) to be commanded by an officer of rank not below that of brigadier-general, and to be appointed by the president; (3) this commander was to protect all persons in their rights of person and property, to suppress insurrection, disorder and violence, either by military commission, or by allowing local courts to act; and all interference under color of State authority was to be null and void; (4) trials were to be without unnecessary delay, and sentences of military commissioners were to be approved by the commanding officer, if they involved death, by the president; (5) the people of any State might hold a delegate convention, elected by the male citizens of one year's residence in the State excluding only those excluded by the Fourteenth amendment from holding office or those disfranchised for participation in the Rebellion, or for felony at common law, the constitution framed by this convention to be ratified by such voters; when these conditions had been fulfilled, when Congress had approved the constitution, and the Fourteenth amendment had been ratified by the Legislature the State was to be entitled to representation in Congress; (6) until thus reconstructed the civil governments in the "rebel" States were to be deemed provisional only,

and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control or supersede the same, and in all elections under such provisional governments, the only voters or office-holders were to be those entitled by this act to vote or hold office. This bill was passed over President Andrew Johnson's veto on the 2d of March. On the 10th of March the new congress passed a supplementary bill which gave the supervision and direction of reconstruction to the military commander making the work of reconstruction involuntary so far as the States were concerned. (1) The franchise was denied to all men who served in the Legislature or in Congress, or had been executive or judicial officers of the State, or the Republic before the war, and who as such had taken the oath, as it was styled of "allegiance." (2) The district commander was to hold an election for delegates, equal in number to the lower house of the Legislature, and apportioned according to registration. (3) The question of holding a convention was to be decided at the same election. (4). If a majority of the registered voters consented to the convention, the district commanders were to give the delegates sixty days notice of the time and place of meeting, and when the constitution was framed he was to give thirty days notice of an election to ratify or reject it. (5). When the constitution was ratified it was to be sent to the president, and by him sent to Congress. If Congress approved it as in conformity with the reconstruction acts, the State was to be declared entitled to representation and her senators and representatives were to be admitted. (6). All elections were to be ballot, and false swearing was to be punished as perjury. (7). The expenses of the commanding officer were provided for. (8). The convention in such State was to have the power of taxation to meet its own expenses. (9). A verbal mistake in the original act was corrected. The State of Mississippi attempted to obtain from the Supreme Court an injunction forbidding the president and General Orr from executing the reconstruction acts, but the court refused it April 15 on the ground that it could not thus interfere with the purely political acts of another department of the government. The attorney-general gave an opinion, which practically bound the boards of registration to take the oath of an applicant as good evidence of his right to register. This and other impediments to reconstruction were removed by the supplementary act of July 19, 1867. This gave General Grant power (1) to suspend, remove and replace any State officers who should hinder reconstruction, (2) empowered boards of registration to take evidence, strike off names fraudulently entered and add names entitled to registry, and (3) provided that no district commander or his appointees should be "bound in his action by the opinion of any civil officer of the United States." The Alabama constitution was ratified by less than half the registered vote. The supplementary act of March 11, 1868, therefore provided that reconstruction elections should be decided by a majority of the votes actually cast. In conformity with these acts a State Convention in Arkansas, held on the

8th of January, 1868, adopted a constitution in accordance with their provisions which was ratified March 13, 1868, and the State was again admitted to the Union on the 22d of June. She passed at once under Republican control and disturbances began and were continued, civil war prevailing for a time and until a new constitution was adopted in July of 1874, under which the State passed under Democratic control loaded with a debt made by successive ignorant Republican Legislatures under the direction of carpet-bag rulers. In Mississippi the work of reorganisation was begun under Governor Clarke immediately after the war. His functions being suspended Governor Sharkey was appointed provisional governor June 13, 1865. Under his guidance the work was completed on the 2nd of December, when Governor Humphreys was elected and the whole State government began operations on the 16th of December, but its functions were again suspended under the act of March 2, 1867. General A. C. Gillam was appointed military governor of the State and called a convention which adopted a constitution so extreme in restricting the franchise to the negroes that it was voted down by the people who appealed in the name of the State to the Supreme Court of the United States against the reconstruction acts in vain. Adelbert Ames was then appointed provisional governor. Under the act of Congress of April 10, 1869, a new election was ordered and the president was authorised to submit the disfranchising clauses and the test oaths to a separate vote, but required the new Legislature to ratify the 14th and 15th amendments before readmission. The constitution was adopted by a vote of 76,186 to 38,097, and all the radical candidates for State offices and for Congress were elected, but the proscriptive clauses were struck out by very heavy majorities. The new Legislature ratified the amendments and the State was readmitted February 17, 1870. Republican and negro rule continued until February 25, 1876, when the Democrats came into power, which they have retained ever since. Governor Ames, who was serving his second term, was in that year impeached, but rather than stand trial he resigned and J. M. Stone, president of the senate, became governor. Thus ended carpet-bag and negro rule in Mississippi, where, besides squandering the State's money the dominant party stole a great deal of the money collected by the several counties for school and other purposes. No other two States of the late Confederacy suffered as much through reconstruction as Mississippi and Arkansas. The opposition of their white populations to the justly odious system amounted to resistance that frequently threatened in Mississippi what was tried in Arkansas open and armed opposition to the authorities appointed by the president. Even the force bill failed in the hands often of vindictive and ruffianly officials to prevent the people from asserting their power and ultimately accomplishing their purpose of freedom. This force bill passed April 20, 1871, provided (1) that the Federal Courts should have cognizance of writs against any one who should deprive another of any rights, privileges

or immunities secured by the constitution, any law, regulation, custom or usage of a State to the contrary notwithstanding; (2) it denounced punishment by fine, imprisonment, or both against any conspiracy of two or more persons to overthrow, put down, destroy, or levy war against the government of the United States, to delay the execution of Federal laws or to deter any one from voting, holding office, or acting as a witness or juror in a Federal Court; (3) in case the State authorities were unable or unwilling to suppress disorders intended to deprive any class or portion of the people of their constitutional rights it authorised the president to employ the Federal land and naval forces or militia to suppress such disorders; and (4) to suspend the writ of the habeas corpus[1] "during the continuance of such rebellion against the United States," the trial provision of the act of March 3, 1863, to remain in force. Not even this act enforced with unswerving severity could prevent the inevitable. The Ku-Klux Klan could not be suppressed by it. However, it was continued in all the Southern States so long as there was any necessity for it, the people making steady though gradual inroads upon the ignorance and tyranny by which they were oppressed, until in 1876 the last of the reconstruction governments disappeared. That these governments were bad, we have the admission of H. R. Revels, a colored man, United States senator from Louisiana, who, in a letter to President Grant written in 1876, admitted that "since reconstruction the masses of my people have been enslaved in mind by unprincipled adventurers. My people are naturally Republicans, but, as they grow older in freedom, so do they in wisdom. A great portion of them have learned that they were being used as tools, and, as in the late election, they determined by casting their ballots against these unprincipled adventurers to overthrow them." The subversion of the carpet-bag governments did not include any essential change in the reconstructed constitutions. These remained formally unaltered so far as the fundamental conditions of re-admission were concerned, though all the States revised their constitutions in non-essentials. Wholly and altogether repugnant to the constitution of the United States reconstruction was the natural result of the controlling purpose of the Republican party while in power to fasten its policies in the Federal constitution and laws. The pleadings and protests of the Democratic minority were in vain. The Supreme Court refused to interfere to save the people, and the system ran its course and prevailed until its excesses changed the public opinion of the north and west and forced some consideration of the States by the South, Mr. Horace Greely, of the New York *Tribune*, contributing greatly to bring this about. Mr. Alexander Johnston, a publicist of very high standing, admits that reconstruction turned the Southern States into political hells, "but that the policy was a

[1] Which was never attempted by the United States until 1861, when President Lincoln first proclaimed its suspension, a right which up to that time had been recognised and lodged in and belonged to Congress.

success."[1] "It would have been an impossibility," he says, "for Southern representatives, however honest their intentions, to divest themselves suddenly of the prejudices and traditions of a lifetime's training, and come back in full sympathy with the economic laws which were thenceforth to attach to their own section as well as to the rest of the country. They must then have returned as a compact phalanx of irreconcilables, sure of their ground at home, and a permanent source of irritation, sectional strife and positive danger to the rest of the country. All this was ended by reconstruction. This process, to speak simply and perhaps brutally, gave the southern whites enough to attend to at home, until a new generation should grow up with more sympathy for the new, and less for the old. The energies that might have endangered the national peace were drawn off to a permanent local struggle for good government and security of property. Whatever may be alleged on humanitarian grounds against a policy which for a time converted some of the States into political hells, it must be confessed that the policy was a success and that it secured the greatest good of the greatest number."

VI.

IN 1877 an attempt was made to secure a settlement of the State debt at a called session of the Legislature, but it failed and the whole matter was referred to the people to pass upon at the election in 1878, but they repealed the dog law in obedience to popular clamor, and notwithstanding it was proven that it was necessary to the protection of the sheep industry of the State. In Memphis the people were greatly stirred up by the repeal by the Legislature of the ten per cent. bill which had been regarded as a bid for the investment of capital; were much aggrieved by the tax-title decision of the United States Court which however held to the right of the owner to redeem at any time within the period prescribed by the act of Congress; were approvingly interested in the advance made in facilities for the education of children in the county, Mr. George B. Fleece having reported eighty new school-houses built during 1876, with an increased attendance of four hundred and eighty-five pupils; also in the settlement of the city debt by Mayor Flippin, who was commendably energetic in his efforts to that end by correspondence and frequently by personal interviews with the bondholders to see whom he was compelled to make several visits to New York, Baltimore, and Charleston, the result being the funding before the close of the year of more than $1,000,000 of the debt.[2] The act of the Legislature

[1] Article "Reconstruction," Cyclopedia of Political Science.

[2] The coupons attached to the Flippin bonds were made receivable at par by the city in payment of any privilege or license tax, or in payment of taxes or assessments levied or imposed on persons, privileges or property or any other debt or demand due or owing to the city, whensoever, by whomsoever, and on what account soever tendered.

under which this was done was the work of a joint committee of citizens and councilmen, consisting of W. A. McCloy, N. D. Menken, J. W. Clapp, M. T. Williamson, J. T. Pettit, E. J. Karr, H. G. Dent, and J. T. Blase, appointed by a mass meeting held at the chamber of commerce at which there was also a demand for the repeal of the charter of the city. The far-seeing and intelligent men who in 1876 had suggested this final step, and the substitution of a new system of municipal government by three commissioners, renewed their efforts and with a better exhibit of popular strength, notwithstanding Mayor Flippin's very economical management of city affairs, evidenced in the fact that he had not exhausted a budget of $389,000, there remaining of that amount at the end of his first year $130,000, notwithstanding he had in part paved Main street and Madison and part of the levee, and had repaired many bridges. But even with these evidences of good government, the people, in view of the fact that mandamuses from the United States Court were pressing, that the population was not increasing, that the assessable values were constantly declining, and the funding of the debt was tediously slow and doubtful of accomplishment, were beginning to yield to what they believed was the inevitable. They therefore gladly hailed the results of a meeting of the Chamber of Commerce and the Cotton Exchange, early in January, at which, as a preliminary and precautionary step, the questions appended were submitted as the joint action of the two bodies to Judges J. W. Clapp and H. T. Ellet for their legal opinion, in response to which the following reply was made at a subsequent meeting:

"*To the Presidents of the Memphis Cotton Exchange and Chamber of Commerce:*

"To the undersigned, as a joint committee on behalf of the two bodies above named, have been referred the following questions:

"1st. Whether it is legally practicable to abolish the charter and destroy the corporate existence of the city of Memphis? and

"2d. What will be the effects and consequences of such an act?

"As to the first question, there is but one answer. Public corporations are but part of the machinery employed by the sovereign power of the State for the purposes of government, and as they are created and exist only by law, they may be changed and destroyed by law. Charters granted to them are not contracts in the constitutional sense, which prohibits the obligations of contracts being violated by State legislation, and are subject to be modified, suspended, or annulled, as the exigencies of the public may demand. The official representatives of a municipal corporation are but mandatories of the State, having no personal interest involved, and cannot complain of any law that may abridge or destroy their agency; nor has the corporation they represent any such vested rights as against the State that they cannot be taken away. The city of Memphis, then, is but the creature of the Legislature, and though our State Constitution is peculiar in its provisions as to the creation and destruction of corporations, which may or may not include public corporations, yet its corporate franchises may, by proper legislation, be suspended or taken away; its corporate limits extended or curtailed; its name changed, and its legal existence annihilated at the pleasure of the Legislature, and with or without the consent of its inhabitants.

"The second question propounded is one much more difficult to answer. The rule recognised by the current of legal authority, both in England and the United States, was that upon

the dissolution of a corporation, public or private, its real estate reverts to the grantor of his heirs; its personal estate vests in this country in the people, and in England in the crown, and the debts due to and from the corporation are totally extinguished. This rule has been repudiated as to private corporations in this State, and almost universally, and whilst the franchises of a corporation that has forfeited its charter are taken away, the existence of the corporation is prolonged by statute until its debts are paid or its effects disposed of for the benefit of its creditors. The same rule has been applied as far as practicable by the courts in the absence of specific legislation to defunct public corporations; and whilst the Legislature may accept the surrender of its charter by a municipal corporation and terminate its legal existence, it can enact no law that impairs the obligation of any contract which the municipality has, by authority of law, entered into. The death of a corporation, public or private, under the later adjudications, no more impairs the obligations of its contracts than the death of a private person, Its property, if it have any in its own right at the time of its dissolution, remains in trust for its creditors, and can be subjected to the payment of their debts. The creditors are also entitled to the benefit of the laws existing at the time the contract was made, as fully as though such laws were written out at the time and incorporated in the contract, and the courts have held that there is no difference between a retrospective law declaring a contract void, and one that takes away all remedy to enforce it. Applying these principles to the question propounded, it follows that whilst the Legislature may abolish the charter of the city of Memphis, it cannot disannul its contracts, nor cancel its debts, nor can it deprive its creditors of the remedies to which they are entitled under their contracts. It may change the form of the remedy, and may, perhaps, substitute one less stringent and efficient, but unless a substantial remedy be left, it is apprehended the act would be held void by the courts. There is, it is true, a distinction made in this respect between public and private corporations, as the charter of the latter is a matter of contract between the corporators and the State that cannot be interfered with by the Legislature, whereas, when a creditor deals with a municipal corporation, he knows that it is the creature of the legislative will, and may therefore be presumed to take the risk of the repeal of its charter, and the loss of his remedy as a part of the law of his contract. This is a question of law as to which it is not necessary we should express an opinion, but in the event the act abolishing the charter should be declared void as to creditors by the courts, the *status quo* of the city would be maintained, and the municipal officers, who were such at the time of the passage of the act annulling the charter, might be judicially determined to be still in office and subject to the mandates of the courts as to the levy and collection of taxes for the purpose of paying the debts of the city. This might probably be avoided by the resignation of these officers at the time of the passage of the act, or as soon as the act was declared void by the courts, and possibly by the phraseology of the act itself; in which event, under repeated adjudications of the highest judicial tribunals, the courts would be powerless and the creditor without any means of enforcing a remedy, as the courts would have no authority to compel the election of other municipal officers, nor to direct its own officers to perform the duties of the city officers. This paralysis in judicial proceedings, whilst it did not extinguish the debts of the city, would at least compel its creditors to pause and leave them no recourse but in an appeal to the magnanimity and sense of justice of the Legislature. Were the city charter abolished, the Legislature, in the exercise of its unrestrained power of taxation, except as limited by the State Constitution, could, we presume, by special legislation for the territory now within the city limits, adopt a plan of local taxation sufficient to meet the expenses incident to such public regulations as might be necessary for the protection of the persons and property of the inhabitants, and might, perhaps, if it chose to do so, levy a special tax upon such inhabitants, or upon their property and pursuits, for the purpose of providing a fund to pay off the indebtedness of the city at the time of the repeal of its charter. So far as the property of the city is concerned, the doctrine of 'reverter' would doubtless be held to have no application. The property held in its own right and subject now to its debts would remain so, and that

held in trust for the public, such as the public parks, etc., might, by the act abolishing the charter, be placed in charge of trustees to be held and used for the purposes to which they are now appropriated. Other questions may arise as to how far taxes that have been assessed and remain unpaid; property bought in by the city at tax sales and held in its name, where the period for redemption has expired, etc., can be seized upon by the creditors of the city in the event of the dissolution of the municipality and applied to the payment of their debts; but we do not feel it to be a part of our duty in this general and somewhat hasty expression of opinion to follow the effects and consequences of a dissolution into all of its details. In conclusion, we remark that whilst the disorganisation of the city, by a repeal of its charter, would necessarily involve confusion and be attended by many unavoidable evils, yet a bill might be framed, even under the peculiar provisions of our State Constitution, that would enable the Legislature to provide such a local government, or such police and other regulations as would preserve order and afford security to the lives and property of the inhabitants, and it would also be competent for the Legislature at any time to revive the charter, or to create, subject to the provisions of the constitution, a new and different corporation, including the whole or any portion of the present city limits. As to whether the benefits resulting from a repeal of the charter would be an equivalent for the evils incident thereto, is a question upon which there may well be a difference of opinion, there being no precedent for the experiment. J. W. CLAPP,

"H. T. ELLETT."

At the meeting to which this opinion was submitted a committee was appointed consisting of W. P. Proudfit, F. S. Davis, J. W. Clapp, H. T. Ellett, B. Bailiss and D. P. Hadden charged with the duty of formulating some plan of action in consonance with the opinion, and at the request of the committee a bill was drafted by S. P. Walker, city attorney, the scope of which appears from the caption, which was as follows:

"AN ACT to repeal the charter of certain municipal corporations, to remand the territory embraced within the corporate limits of such municipalities to the government of the county courts, to enlarge the powers of such county courts, and to levy and dispose of special local taxes upon the persons and property located within the territorial limits of such municipalities."

This bill, which was very elaborate in its provisions, after a careful scrutiny and consideration by the committee, was reported by its chairman to a joint meeting of the Chamber of Commerce and Cotton Exchange held, as by previous announcement, in the Chamber of Commerce on the 10th of February, which was attended by a large number of citizens not members of either of these bodies, but who were invited to participate in the proceedings. The various provisions of the bill were explained by its draftsman S. P. Walker, city attorney, and its approval advocated by J. W. Clapp and D. P. Hadden, and earnestly opposed by Mayor J. R. Flippin and others who predicted chaos and ruin as the inevitable result of resorting to an experiment in municipal government so radical and unprecedented. At the conclusion of Mayor Flippin's remarks the report of the committee was rejected by a vote of nearly two to one; this vote was, however, on the earnest appeal of Hons. H. G. Smith, J. W. Clapp and Jacob Thompson reconsidered, and the report referred back to the committee with instructions to have five hundred copies of it together with the legal opinion of Messrs. Clapp and Ellett printed and forwarded to our senators and representatives in the legislature then assembled for

their consideration. But the politicians were all powerful yet, and backed by the press still opposed so sweeping a measure of reform. The majority of the general council, too, encouraged, by what it had accomplished in support of Mayor Flippin, to believe that it could successfully cope with the financial difficulties, passed resolutions, very strongly worded, opposing the repeal of the city charter, notwithstanding which a first step was taken by the legislature by the passage of a bill to appoint a receiver for Memphis, which, however, failed to receive the governor's signature. In the meantime T. E. Brown through council had defeated the city in every attempt to avoid payment of the Nicholson pavement debt, and had procured an order from the United States Supreme Court enforcing the decrees of the Circuit and District Courts, and finally an injunction from the United States District Court, Judge Trigg presiding, restraining the mayor and city council from interfering with J. J. Rawlings and Fred Schæfer, tax collectors, in collecting taxes levied on to pay his judgment of $240,000 in lawful money. Relief for the people was a long way off. There was this year what the *Appeal* editorially commented upon as "an epidemic of crime," notwithstanding the efforts of the authorities to preserve the peace. In January, Mary Conner, a market woman was murdered, Herbert Jeffries was murderously assaulted, and Detective Pride was shot by Jack Williams (negro). In February, Albert Gibson, Deputy U. S. Marshall was murdered by Robert Drury an ex-convict; John Dougherty was killed by William Seaver. In March, Jules Levy attempted the murder of his wife, and committed suicide; T. W. Mead was murdered by Tom Harris, (colored); M. M. Beach was shot by L. H. Coe; and Frank Wait was killed by Alexander Wooldridge. The notable deaths were that of Dr. Frame, an old citizen, and active philanthropist and leading member of the Howard Association; H. T. Tomlinson, one of the victims of the Ashtabula horror, insurance agent and active member of the "Shoulder to Shoulder Society" during the epidemic of 1873, and president of the St. Andrews Society; Dr. J. W. Rodgers, Dean of the Faculty of the Memphis Medical College, and a surgeon of repute who was conspicuous as a volunteer physician during the epidemic of 1873; Captain T. B. Folger, an employee of the city government, and a poet of some merit; Dr. Mallory, a distinguished physician; William Park, a leading merchant and one of the fathers of the city; John Ainslie, formerly a proprietor and business manager of the *Appeal;* M. D. Johnson; W. L. Griffing, an old and respected merchant; General N. B. Forrest, the most renowned and greatest cavalry leader of the civil war; Rev. John Moss; Rev. Ben W. Johnson, and Dr. J. R. Allan, a noted expert and alienist, for many years superintendent of the Kentucky Insane Asylum, a physician of acknowledged skill, and a citizen of the highest repute. The city was very gay during the year and besides the Mardi Gras pageant which was one of unusual magnificence, amateur concerts and balls, the Emily Soldene Company appeared at the theatre, followed in succession by Aimee and

her company, Frank Mayo, the Lisa Webber Opera Company, John E Owens, Lawrence Barrett, Daly's Fifth Avenue Company, the Worrell Sisters, Fanny Davenport and Kate Claxton. A special feature of the season was the opening of Estiral Park and a benefit for the sufferers of the yellow fever at Fernandina, Fla., to whom the people had already sent a large subscription of money. A notable event was a visit to the city by the Hon. S. S. Cox, of New York, who was enthusiastically received by the citizens; and another was the finding of a verdict of "not guilty," in the case of A. Woodward charged with embezzlement, his sureties in petition being allowed to compromise the respective sums due by them to the county. In 1878 the settlement of the State debt was made the leading question in the canvass for governor, for which office there were three candidates—A. S. Marks, Democrat; E. M. Wight, Republican and R. M. Edwards, Greenbacker; A. S. Marks was elected, and the Legislature largely Democratic, passed a bill for the settlement of the debt at fifty cents on the dollar, in a four per cent bond, which the people subsequently refused to ratify, thus reopening the whole question again. Mayor Flippin was re-elected after a very bitter contest with John Johnson, who also was nominated for mayor by a wing of the Democratic party. His first duty after being sworn in was to notify the general council of the peremptory order of the United States District Court that the Brown Nicholson pavement debt, amounting, interest included, to $200,000, must be paid at once by the levy of a special tax. This stirred the people almost to the point of rebellion, and at several public meetings the mandamus and other tax questions and that of city salaries were very frankly discussed. Major Minor Meriwether, who seemed to be the most efficient and persistent of the leaders of the Peoples' Protective Association, addressed the general council and boldly agitated for the repeal of the city charter, and the organisation of the method of government, which the Chamber of Commerce and the Cotton Exchange had endorsed, but which had been defeated in 1876. The mayor proved the impossibility of the people meeting the current expenses, interest payment on the new issue of bonds, the mandamus tax, and settling a judgment in favor of Louden for $40,000, and another recently rendered in favor of John M. Lea and others for $127,297.06. The result was, the General Council, after weeks of wrangling, cut down the salaries of city employees from ten to twenty per cent., and abolished those of the sinking fund commissioners. The salaries of the public school teachers were also cut down, and the County Court also did something to lighten the general burden by reducing the county taxes from ninety-five cents on the $100 to seventy-five cents, the total of the city taxes being $3.35 on the $100. There was also a movement for the collection of back taxes, which were placed in the hands of attorneys for collection. But this economy was too late. An old and much dreaded enemy was knocking at the door, and though his advent had been predicted by Dr. R. W. Mitchell,

president of the city board of health, and the *Appeal* had been begging for months to have the streets cleaned, the General Council refused to make any appropriations for that or the purposes of quarantine. This forced Dr. Mitchell to resign, but on the announcement of the first case of yellow fever the council refused to accept his resignation and readily acceded to his demands, appointing Dr. Lawrence to take charge of the quarantine at the foot of President's Island. The merchants of the city also subscribed generously, and for a few days there was a great deal of bustle and activity in putting the city in a condition as it was hoped to withstand a siege of yellow fever. Quarantine was strictly enforced, and the people themselves were very vigilant, notwithstanding which, cases of fever began to be reported on Front street. The wild revels and beautiful pageants of Mardi Gras, the theatre, the concerts and the circus were quickly pushed aside and forgotten, and the destruction of the elevator and the steamers *Capitol City* and the *City of Chester*, the Confederate monument, which had been dedicated with much ceremony, the Memphis bridge, which was being agitated by the merchants, the new custom-house, the medical college, the foundation of which had been laid with Masonic ceremonies—all these things were forgotten, and many private enterprises, and all but a little more than 6,000 of the white people were by the 10th of September fugitives from their homes. In this dread emergency the recent death of Dr. Rice[1] was a deep source of regret, as he had been of signal service during the epidemic of 1873, and was invaluable for coolness and courage, of which he had given many proofs on the battle-fields of the Civil War, where he had served as a division surgeon in the Confederate army. Memphis was to have need for the services of all her physicians and for a hundred others, and she was to pay very dearly in thousands of valuable lives for the neglect of sanitary work, to which she had been warned by the *Appeal*, which had been conspicuous in the active promulgation of the simplest lessons of the science as beginnings in a needed reform. But an awful punishment was awaiting the people for this and for a mischievously lax administration of public affairs. To reach some of the causes inducing the awful havoc of the yellow fever epidemic in Memphis during the months of August, September, October and November, 1878, and the impoverished and helpless condition of the people, it will be necessary to remind our readers of the financial condition of the city and county, the result of the ignorance of the city legislators and the County Court as well as the indifference of the better classes of her people. The city was reduced almost to bankruptcy. Her taxable wealth had been reduced to $18,000,000, and of that $6,000,000 had been bought in by the State at tax sales, having been delinquent for years, her debt amounted

[1] The other deaths of the year before the epidemic broke out were those of T. C. Lowe, a young lawyer of great prominence; Thomas Trout, an old and revered merchant; M. E. Doyle, a well-known contractor: and Major Ed. Freeman.

to $5,500,000, and her tax assessments—State, county and city—amounted in the total to $4.85 in the $100. The population had doubled, but the volume of trade was only about $25,000,000 more than it had been in 1860. Negroes, who, under the system of slavery which prevailed up to the breaking out of the Civil War, had been productive laborers in the cotton fields of the adjoining States, attracted by the excitement it affords, flocked to the city, where at least one-third of them were added to the ranks of the very poor, and either as petty thieves or worthless paupers, depredated upon the industrious few of their own color, but for the most part upon the thrifty whites. Thus the non-producers—those who consume without laboring and live without the least regard for the obligations of good citizenship—were increased to the proportions of a small army. Besides this, the high taxation and the decreasing value of property, economy in public affairs was but little studied. The period between 1865 and 1873 was one of extravagance throughout the Union. Municipalities were freely bled for in some cases unnecessary public and semi-public improvements. Appropriations were made in the most reckless way. There was no provision made for the morrow, and but little consideration given to the future. Promises to pay were lavishly issued. Wall street was in many instances supplicated to take the bonds of solvent corporations at two-thirds their face value. Capital was greedy, in some cases predatory and everywhere supreme. Nearly every county and town was busy issuing scrip or bonds. It was a period of wanton waste that, by the light of the intelligence usually characteristic of the American people, was without excuse. Thousands of miles of railroad were built that did not pay dividends for twenty years. The life insurance mania was at its height. To incur obligations without the means to meet them when pay day came round seemed to be the order of the day. Extravagance raged as an epidemic. Swindlers and rogues were everywhere reveling in ill-gotten gains. The people were blind to their folly and infatuated by the fictitious evidences of progress. The destructive demon of bankruptcy was hovering over the land, preparing for his work. Memphis was no better than New York. Theft was not committed as was the case in the great metropolis, but ignorance and incapacity were working as great a wrong. Taxes were levied, but were not collected. Contracts were made that could not he paid for. Even the current expenses could not be met. Scrip was resorted to. The city government went into the banking business and scattered broadcast its promises to pay. There was at one time as much as $960,000 of these afloat that had been sold as low as twenty-three cents on the dollar. When the policemen, firemen and other employees could not get par for it at the city treasury, they sold it for what they could get and petitioned the General Council to have the difference made up to them. This was for some time done, but always by a fresh issue of scrip. The county at the same time was engaged in the same method of finan-

cial suicide. The press expostulated, but it was not heeded. Those who controlled municipal affairs had no regard for public opinion. The property owners seemed to be, if they were not, wholly indifferent. The merchants were too busy with their private affairs to pay any attention to those of the public, and the people generally were so absorbed in the work of rehabilitating their homes, despoiled by the war, as to be careless of the recklessness of their representatives. They did not see, they could not see, that a crop of wholesale ruin was being sown in a soil all too productive. There were not wanting spasmodic attempts at retrenchment and reform, but these only came, as we have seen, towards the last, and then at the instance of an association managed by a few patriotic lawyers. The stream of ruin steadily increased in volume until at last it reached the point where, in 1876, the People's Protective Association called a halt to prevent utter and entire loss. When the debt had reached the enormous sum stated in this chapter, and the available taxable wealth had been reduced to $12,000,000, then and only then was there an effort made at real retrenchment. The city, while this monument of folly was in course of construction, had passed through many epidemics, four of them of yellow fever, and several of small-pox and cholera, and in addition bore the brunt of a civil war, the most gigantic of modern times. Up to 1878, for twenty years Memphis had been the centre of an extraordinary political agitation of the passion and prejudice of the two hostile sections, of the heat and strife, of civil commotion, the uncharitableness of sectional animosity and the bitterness of party politics. In all that time there was not a single year of repose, of quiet, steady conservative endeavor, such as was, before the war, characteristic of the cities and towns of the South. The public pulse beat feverishly, and the very uncertainties of life became a provocation to wastefulness and extravagance. That under such circumstances, Memphis survives to-day is a special wonder. Having thus suffered, and living in a constant ferment of excitement, it is not to be wondered at that early in August, the mere rumor of a possible epidemic of yellow fever precipitated a panic among the people. This was initiated early in May, when the question of quarantine was agitated with a view to prevent a visitation of the disease then known to prevail in the West Indies. Miles of Nicholson pavement were decaying and sending forth a poison that none within the city limits could avoid, and the soil was reeking with the offal and excreta of ten thousand families. There was no organised scavenger system, no means by which the ashes and garbage could, as it should be, carted away. The accumulations of fifty years were decaying upon the surface; a bayou dividing the city, and which was the receptacle of the contents of privies and water-closets, was sluggish and without current owing to the want of water, and the fact that there had scarcely been any rain for several weeks. Dead animals were decaying in many parts of it, and the pools that had formed at the abutments of the several bridges were stagnant and

covered with a scum of putridity, emitting a deadly effluvia. The cellars of the houses in the leading thoroughfares were also alembics in which were manufactured noxious gases which stole out and at times made the night air a killing poison. The streets were filthy, and every affliction that could aggravate a disease so cruel seemed to have been purposely prepared for it by the criminal neglect of the government, who turned a deaf ear to the persistent appeals of the press and the few who took an interest in sanitary science. But they were not wholly to blame; the charter under which they acted was so worded as to provide but little funds for sanitary relief, and no relief at all in case of the dreadful emergency of an epidemic, notwithstanding those of 1828, 1855, 1867 and 1873. Every interest was carefully guarded and provided for, save that of the health and lives of the people. They must either take care of themselves—that is, be prepared to abandon their homes when yellow fever or cholera made its appearance, or be ready to meet death. Ignorant of the laws of life, its framers denied to themselves and their fellow-citizens the advantages of a growing intelligence in regard to sanitary affairs. After the disastrous experience of 1873 it was hoped by the press that the people would compel a reform that would enhance the value of human life. Instead of that they permitted the passage of a new charter which preferred remedies for everything else but the public health. A few thousand dollars were set apart for that purpose, scarcely enough for a month of effective sanitary work. An efficient board of health thus found its hands tied. It could do next to nothing and confronted by an ignorance so obtuse and besotted as to reject all instruction, its members became disheartened. In this condition the rumors of yellow fever fell upon the public ear full of evil portent, and the hope of the people fell to zero. Apprehensions thus awakened were quickened almost beyond control by the publication in the morning papers of the 26th of July that the yellow fever had made its appearance in New Orleans and threatened to become epidemic. The tardiness with which this information had reached the doomed city was not due to any want of diligence on the part of the State or city health authorities. Dr. Maury of the State Board wrote to Dr. Chopin of the New Orleans Board on the 21st of May asking for information. To his question he received a curt reply that he (Maury) would receive official information regularly, and that he (Chopin) would not conceal anything from the public. He stated additionally that the steamship *Borussa*, from Liverpool, via Havana, was then quarantined below the city with six cases of yellow fever on board. But notwithstanding the vigilance of Dr. Chopin the steamship *Sudder* passed up to the city wharf on the 23d. The purser of that vessel sickened and died of yellow fever. In him it is asserted the epidemic had its origin and from him it spread. Dr. Maury continued to receive the New Orleans weekly health reports, according to the health officer's promise, but no cases of yellow fever were found in them, nor was any warning of even

the existence of the disease conveyed until the 26th of July, when the newspapers of the country published Dr. Chopin's letter to Dr. Woodworth, supervising surgeon of marine hospitals, Washington, although it was well known that cases occurred before and were reported about the 13th of July, and that the malady had been making havoc in the neighborhood of the refuge of the purser and mate of the death-freighted *Sudder*. But slow as the sad news was in reaching Memphis, it came all too fast. So soon as it was verified, the health officer, Dr. John Erskine, notified the city authorities, who at last, but only when the whole population was worked up to a point of dread, in some cases bordering on insanity, gave consent to the establishment of a quarantine, which they had refused to provide for only a few days before. The doctor, a noble example of official zeal, professional enthusiasm and manly independence, at once perfected arrangements and quarantine stations were established on the Memphis and Charleston Railroad at Germantown, some twelve miles from the city; at Whitehaven, eight miles from the city on the Mississippi and Tennessee Railroad; and on the river at the lower or southern point of President's Island. It was believed that this would prove effectual, especially as the railroad and steamboat officials had promised to second it by a rigid surveillance over passengers and baggage; and the people on the lines mentioned and all along the river, for their personal safety, talked of, or had already taken measures to enforce, in each case, local quarantine, by a decided exhibit of power in the form of a hastily formed military or police force. These measures and assurances had some effect with most of the people of the city, but there were a few, who in a purely idle spirit, some of them because they had nothing else to do, went about expressing their own fears, and with an assumption of wisdom which neither their experience, habits nor education would warrant, predicted the direst consequences to the city. The uneasy feeling thus kept alive by the shiftless and thriftless gossips of the city was aggravated by the announcement on the 2d of August, of a case of yellow fever at the city hospital —a steamboatman, who died at quarantine on the 3d—and by the dispatches from New Orleans, which every day gave an increased number of cases, and a mortality that, in proportion, was much larger than had before been known in that city. On the 9th of August a rumor prevailed that the fever had made its appearance in Grenada, Miss., the southern terminus of the Mississippi and Tennessee Railroad. Inquiry by telegraph made on the 10th by citizens of Memphis, brought the most positive contradictions. But on the very day when these were published in the newspapers there came a most anxious call for physicians and nurses. This appeal was responded to by Butler P. Anderson and W. J. Smith of the Howard Association, who left the city on the 11th and arrived in the stricken town that night. On Monday, Anderson telegraphed the *Appeal* that yellow fever of the same type as that which cost Memphis 2,000 lives in 1873, prevailed epidemically, and that there was so far a total of one

hundred cases, none of which had yielded to treatment. The publication of these facts, and others from other sources of information, on the 13th of August had the effect of exciting the people of the city to the last degree of alarm. Business was neglected. Men met in groups and discussed the probability of Memphis being attacked, little dreaming that already the fever had made a secure lodgment in the city, and had taken many victims. The death of Mrs. Bionda, an Italian snackhouse keeper on the 14th, was the first officially announced victim, but there had been many before her. The fever had been introduced into the family of Attorney-General G. P. M. Turner, at 279 Second street, on the 21st of July, by a colored man who came up the river from New Orleans. He was the husband of Mr. Turner's cook. From him the fever spread to the family of Mr. Turner, whose two children were taken with it, one of whom died. In the meantime a young man named William Darby employed by Farell, an oyster dealer, who lived at 277 Second street, and who was in the habit of passing to his meals through the alley infected by the colored man who had been nursed to convalesence by his wife, although he slept in the third story of his residence, was taken with the fever, but recovered. He was nursed by his aunt, and was not visited by a doctor. His was the fourth case, and it occurred on the 25th of July. The good woman who saved his life took the fever and died, as did nearly all who lived in the house, or in the houses near by. Mrs. Zack (white) who resided on the opposite side of the street, died of the fever on the 5th of August, and her brother-in-law, taken on the 10th, died on the 13th, the day before Mrs. Bionda died. About the 1st of August the steamer *Golden Crown* landed three ladies, who were taken to the residence of Esquire Winters, on Alabama street, and among them the fever developed, it was reported about the 10th of August. All in this house but the squire were attacked, but recovered. Before this Mr. John Campbell, whose house was opposite that of Mr. Winters, was taken sick and died; it was reported at the time, of congestion, but afterwards was proven to have been yellow fever, as his wife and many others were subsequently attacked in the same way, and developed well defined cases of yellow fever. The announcement of Mrs. Bionda's death created an intense feeling of insecurity, which grew day by day as the reported cases and deaths increased until the whole population was precipitated into a panic surpassing all powers of description. It deadened all human sympathy, all the kindlier emotions of the human heart, all kinship, all regard for neighborly claims, and in a few cases all natural affection. Business was suspended. Stores and offices were hurriedly closed. *Sauve que pute* was the order of the day. The future which only a few days before looked so bright, was overshadowed by a pall, and was forgotten in the presence of the pestilence which in the brief space of forty-eight hours had claimed fifty-five victims. Men, women and children poured out of the city by every possible avenue of escape. A few steamboats were filled, but these were for the most part shunned,

especially by those who had the means for railroad travel and were self-possessed enough to think of the probability of their becoming floating charnel-houses, subject to the brutal and brutalizing methods of quarantine that other equally panic-stricken communities were enforcing for their own safety. Out by the country roads to the little hamlets, villages and plantations where many of them had been welcome guests in happier days, out by every possible conveyance, by hacks, by carriages, buggies, waggons, furniture vans and street drays; away by batteaux, by anything that could float upon the river, and by railroads, the trains on which, especially on the Louisville Road, were so packed as to make the trip to that city or Cincinnati, even to strong and hardy men a positive torture every mile of the way. The aisles of the cars were filled and the platforms packed. In vain the railroad officials pleaded, in vain they increased the accommodations. The stream of passengers seemed to be endless, and they seemed to be as mad as they were many. All the ordinary courtesies of life were ignored; politeness gave way to selfishness, and the dominating desire for personal safety broke through all the social amenities. There was nothing like positive indecency exhibited, but there was a pushing, noisy, self-asserting and frenzied rudeness that was not abashed by the presence of women. There was only one thought uppermost, and that was increased to an inexpressible terror. Men denied admittance to the cars took forcible possession of them, making such an exhibit of will backed by arms as deterred even the few policemen present from attempting any interference. But with these there was more sympathy with than opposition to this rude rebellion against routine, custom, order, and social law. No arrests were made—not even when the windows of the cars were opened from the outside and men and boys forced their way in over and despite the expostulations of the ladies who occupied the seats. Thus the cars of the trains went out for several days packed to suffocation by frightened people. Every station had shortly its quota of refugees from Memphis who still possessed by the apprehensions which urged them to abandon home and property and business, they did not know to what fate, spread and communicated the panic, some of them carrying with them the seeds of the disease which with time and conditions to propagate, afterward brought to their hospitable and generous hosts the misery and death which then plagued their relatives and friends. To the cities of the far north and the far west they fled, too many of them to die on the way, in many instances neglected and shunned as if cursed of God; or reaching the wished-for goal only to die, a plague to all about, carrying dismay to those who even then were busying themselves for the relief of the stricken cities of the South. In less than ten days, by the 24th of August, 20,000 persons had left the city, and in two weeks 5,000 more were in camp, leaving a little less than 20,000—14,000 of them negroes—to face the consequences they could not escape.

VII.

BY the last week in August the panic was over. The epidemic of 1878, the horror of the century, the most soul-harrowing episode in the history of the English-speaking people in America was in full sway. All who could had fled and all were in camp who would go. There was then, it was estimated, about three thousand cases of fever. Most of the white men who were not in bed, and who were to be met upon the streets, were engaged in the work of relief, either as physicians, nurses, as Howard visitors, or as members of the other organisations which did such noble service in the weary weeks that were to follow. The weather continued to be very hot and dry. During August it averaged 82.2° as compared with 79° for the same month in 1873. In September it averaged 72° as compared with 71° in the same month in 1873; in October 60.8° as compared with 56° in the same month in 1873, and in November 57.8° as compared with 49° in the same month in 1873. The drain of the physical energies induced by this long-continued heat was as fearful as the strain on the mind and heart induced by the destruction of the fever. From either there was neither release nor relief. An appalling gloom hung over the doomed city. At night it was silent as the grave, by day it was desolate as the desert. There were hours, especially at night, when the solemn oppressions of universal death bore upon the human mind as if the end of all things was nigh. Not a sound was to be heard; the silence was painfully profound. Death prevailed everywhere. Trade and traffic were suspended. The energies of all who remained were enlisted in the struggle with death. The poor were reduced to beggary and want and many who were as independent as property could make them, were glad to accept assistance. At midday a noisy multitude of negroes broke in upon the awful monotony of death each clamoring for his dole of the bounty which saved the city from plunder and the torch. When these had gone to their homes, now fast being invaded by the fever, the cloud of gloom closed down again and settled, thick, black, and hideous upon every living soul. Even the animals felt the oppression; they fled from the city. Rats, cats or dogs were not to be seen. Death was triumphant. White women were seldom to be met, children never. The voice of prayer was lifted up only at the bed of pain or death, or in home circles where anguish was supreme and death threatened, as in a few cases he accomplished, the annihilation of the family. Tears for one loved one were choked back by the feeling of uncertainty provoked by the sad condition of another. In one case a family of four was found in the same room, the bodies partially decomposed. There were no public evidences of sorrow. The wife was borne to the tomb while the husband was unconscious of his loss; and

whole families were swept away in such quick succession that not one had knowledge of the others' departure. Death dealt kindly by these. In a week father, mother, and sisters and brothers were at rest, at peace. There was no mourning, no widows, no orphans. The parents went first; in a few hours the children followed. In some cases one of the parents was left dazed, stunned, in a condition beyond tears and bordering on insanity. The bereaved provided for, the relieved citizens turned their attention to the unburied bodies that were emitting the most noisome stenches, death-breeding and death-dealing. Some of these were found in a state little better than a lot of bones in a puddle of putrid and greenish-looking water. Two bodies were found on a leading street in so advanced a stage of decomposition that they were rolled in the carpet on which they had fallen in the agonies of dissolution and were lifted into boxes, in which they were hurried to the potter's field. Half the putrid remains of a negro woman were found in an outbuilding near the *Daily Appeal* office, the other half had been eaten by rats that were found dead by hundreds near by. A young gentleman, well known as a cotton merchant, died in his room alone, after, it is supposed, a forty-eight hours' illness, and was only traced by the gases from his body, which was found so far decayed that it was with difficulty any one could be found to bury it. More than sixty unburied bodies were found by the burial corps, hastily organised by the Citizens' Relief Committee. Many of these were put away in the trenches where the unknown and the pauper sleep peacefully together undisturbed by worldly distinctions of wealth or station. The carnival of death was now at its height. Women were found dead, their little babes gasping in the throes of death beside the breast at which they had tugged in vain. One case is recalled where the babe was literally glued to the bosom where it had found food and rest and perhaps expired at the same moment as the mother, whose love was evidenced even in a death embrace. Others passed away after the labors of birth had supervened upon the fever—mother and child being buried in the same grave. The penalties of maternity were paid in increased agonies leading in all but two cases to forfeiture of life. No words can convey an idea of the peculiar suffering to which women were subjected; some who had passed safely into the vigor of old age were again taxed with functions long since silenced, and in the moment of death, and even after it, this curse of the sex asserted itself. Not a few were affected with goitre, increasing the disgusting consequences of the horrible disease. Its effects upon men were equally forbidding. It was no respecter of persons; good and bad went down together, but those whose physical system had been impaired by diseases which are a special penalty of lecherous excesses, died soonest. Peculiarly a disease of the nervous system, it was fatal to those whose energies had been exhausted by debauchery. But neither cleanliness nor right living were shields to stay the hand of this destroyer. He invaded the homes of the most chaste and the den

of the vilest. He took innocence and infamy at the same moment and spread terror everywhere. Where sorrow was so general there could be no parade of it. There were no funerals, and but few demands for funeral services. The luxuries of woe were dispensed with. In most cases the driver of the hearse and an assistant comprised the funeral cortege. Not infrequently many bodies were left in the cemetery unburied for a night, so hard pressed were the managers for labor, and so numerous were the demands upon what they had. The bell at the graveyard gate was for a long time tolled by a lovely girl, who for weeks was her father's only help. She kept the registry of the dead, and knew what the havoc of the fever was; yet she remained at her self-selected post, her father's courageous clerk, until the fell disease overcame her physical energies. But she recovered, and after a few days resumed her place, keeping tally of the dead until the plague itself was numbered with the things that were. No bell save that of death was tolled. The churches were closed. The congregations were dispersed. The members were far apart. Many were safe, some were dead. The police were cut down from forty-one to seven. Their ranks were recruited, and again were thinned. They were a second and a third time filled up, and yet death was relentless. He was jealous of all sway but his own. The fire department was cut down to thirteen. One by one they fell, dying at their posts; yet those who remained were always ready, with their comrades of the police force, to protect and save the lives and property of their fellow-citizens. Their bells were silenced out of tender regard for the sick—so changed do rugged and rough men become in the presence of an overwhelming and incomprehensible calamity. Their hearts went out in sympathy to all alike. The city was to them as one house, and all the stricken inmates of one family, to which they themselves belonged. They were actuated by the spirit of the members of the Howard Association and the Citizens' Relief Committee, and of all the other noble organisations for the relief and succor of the living, and the burial of the dead. But petty thieving prevailed as an epidemic. This was, however, principally confined to food and clothing, and wood or coal, or both. A few who came to nurse died, leaving full trunks of silverware, bijoutere, bric-a-brac and clothes to prove how industriously they could ply two trades, and make one cover up and make up for the deficiencies of the other. A few also of them made themselves notorious for lewdness and drunkenness. To these many deaths were due. They shocked decency, and outraged humanity. They made of the epidemic a carnival. Male and female they herded together in vileness. The most of them were cut short in their career, only one or two escaped. They were taken in the midst of their transgressions. One of them, a woman, who could not, or would not control her appetite for strong drink, while stupefied from wine and brandy allowed a poor woman, her patient, to leave her bed, naked as when born, and wander out into the country on an inclement night, calling, as she went hurriedly on, for the husband who

had preceded her to the grave by a few days. Two others, men, were found helplessly drunk, lying half naked upon the floor, beside the dead body of their patient, whom the attending physician declared ought to have recovered. In the house of an ex-judge, whence a whole family had been borne to the grave, the victims of neglect from such nurses, died and in the trunks of one—and the worst of them, a woman of seeming refinement and good breeding—there was found the family plate and wearing apparel of the judge's wife, then absent in Ohio. This woman and her paramour fell victims to the fever which they invited by their debaucheries and hastened by their excesses. In the whole range of human depravity there are few parallels to these cases. They illustrate the extremes of degradation; they sounded the lowest depths of vice, and shamed even the low standard of savage life. At a time when the hearts of nearly all were filled with sorrow and weighed with care, a few like these indulged in orgies that were an extreme contrast to the prevalent solemnity and sadness; they gave way to the vilest and most brutal of human weaknesses, and surrendered themselves to a shamelessness that at any time would horrify decency. It was deliberate lechery. There was nothing in the surroundings or in the life, which was hurried forward with such rapidity to death, to prompt or encourage lewdness; on the contrary, there was everything to forbid and repel it. Those, therefore, who gave themselves to it, did so in obedience to a propensity deliberately nursed, any, the faintest expression of which makes one shudder, even at this distance of time to contemplate. Out of these cases of excess grew a statement of wholesale rape of white women by negro male nurses. No charge ever made was so baseless or wanton, so cruel, so unjust. This class of the population, whatever they may have been to each other—and not a few of them were inexcusably negligent, and even brutally indifferent to each other's wants and woes—were deferential to the white race, and as soldiers, policemen and nurses were earnest, honest and devoted. Not even one of them attempted a crime that would have courted and been punished by instant and merited death. Idle, many of them were, and shiftless and thriftless, but they were neither cruel nor criminal in this direction. The only case of the kind reported was that of a young white man, who was arrested, charged with outraging the person of a white woman, who herself had called him to nurse her. Investigation proved this to have been baseless, and that the woman invited the exhibit of depravity on which the charge was based.[1] A contrast to this debauchery was furnished by a few of those whom society abandons to a shameless life. One of them gave up her house to be used as an hospital; and her-

[1] The young man referred to was found by a woman nurse helplessly drunk, lying across the body of the dying woman, who was naked and exposed. This nurse, who declared and swore to thus finding him, was on the trial proven to be herself in love with him, and that her jealousy of the poor creature, whose weakness for him had induced her to call for him to nurse her, impelled her to make a charge that was groundless. A few hours after the arrest of the young man, his alleged victim died.

self, until she fell in the act, nursed the sick, and closed the eyes and covered the faces of the dead. Others, doomed like her to become a curse instead of a blessing to humanity, followed her example. One such came from a great city of the West, disguised as a widow, and faithfully and assiduously continued to do her duty, running the gauntlet of death every hour; even after all, like her, had been denounced in her presence as irreclaimable and abandoned of God, by an earnest Christian woman whom she nursed back to convalescence. The physicians were greatly aided by hundreds of faithful and competent nurses—men and women of experience. They were indispensable to recovery. When they were not to be had, and patients recovered, it was regarded as little less than miraculous. But not all the deaths were attributable to ignorant or badly-disposed nurses. The patients themselves, many of them, were solely responsible; some died of fright; not a few died after but a few hours in bed—what was called walking cases—victims of their stubborn determination not to give up to treatment. More than three hundred died in the convalescent stage—one from the simple exertion of writing a note, another from changing his position in bed, another from reading newspapers, another from reading letters, another from drinking tea and eating toast; and others, not a few from sexual excesses, which were sure to end in death. One man, whose convalescence seemed certain, dropped dead only a few steps from the saloon where, a moment before, he had indulged himself in a glass of beer. A treacherous disease, the yellow fever usually leaves its victims in that condition where the spirit is willing, but the flesh is weak. In vain doctors advised, and the press pleaded. Deceived by the clearness of their mental vision, convalescents to the last continued to take counsel of their fancied strength and threw their lives away. The horrors of the fever were thus increased and the despair of the living was made more desperate. But there were not wanting some cases of another character; a few who were afflicted with chronic complaints found themselves completely restored to all their faculties after recovering from the fever. One such case was that of a little girl approaching her twelfth year, who had, three years before, lost both hearing and speech; she was paralyzed also on one side, and was afflicted with something akin to St. Vitus's dance on the other; thus, more dead than alive, a burden to all about her, she was attacked by the fever, a long siege of which she not only withstood, but emerged from it completely restored. Her hearing and speech came back to her, the paralysis disappeared, and with it its opposite, the excessive nervous affliction; her nerves were completely restored to their normal condition, and she is to-day mistress of all her powers of mind and body, as fresh and vigorous as if they had never been impaired. Thus, while some were crippled for life, all their functions partially or wholly suspended, others were restored to powers, the exercise of which they indulged in at first as if they could not trust their suddenly acquired sense of them. But these blessed results were so few as to be a special wonder, bordering on the miraculous.

On the 14th of September, the day of the heaviest mortality, many buoyant natures succumbed. They looked about them for convalescents, but they were not to be found; a few were reported, but they seemed, nearly all of them, to have been permanently disabled. The cry for food, for clothing, for money, for doctors, for as many as a thousand coffins, went out by telegraph to the ends of the earth, and a prompt and generous response came back. By wire, by express, through the banks, by private hands, money was forwarded by hundreds, by thousands of dollars. Long trains of railroad cars, loaded with provisions, clothing, and medical supplies, were sent in plethoric abundance, accompanied always with heartfelt expressions of sympathy, and often with advice and theories for the treatment of the fever, earnest, but generally ill-advised. The coffins asked for came in one train.[1] The people of the North were especially urgent; it seemed as if they could not do enough. "We send," they said, "what we can; but you, who know what you need, must ask—'ask, and ye shall receive.'" The Republic, to its remotest confines, was moved as if by a divine impulse. The leading artists of the lyric, as well as the dramatic stage, were especially conspicuous in good gifts, in generous contributions. Personally, they gave freely, and with the aid of their brothers and sisters, less gifted, gave benefits that netted large amounts. No class surpassed them in the expression of a profound sympathy, or in the efforts they made to mitigate, as far as possible, the results of the dreadful visitation. The miner in the Nevada hills, the ranchero in California, and the farmer in distant Oregon vied in dispensing a charity equal to the growing exigencies of the time, with the people of the older States of the East, where organisations in every city, town and village were eagerly engaged in the "Good Samaritan" work. The contagion of kindness passed beyond the limits of our own country, and France paused amidst the festivities of the International Exhibition to express her sympathies and send her share of succor. England, too, and Germany, were early in the field; and from India and Australia, as from South America, contributions poured in upon the people, who vainly tried to express their gratitude for it all. Hundreds of men and women volunteered as nurses, who were destined to a speedy death. They poured in from all the States. Those from the South Atlantic and Gulf States were especially welcomed because of their experience with the fever. They were, to a certain extent, proof against it. Northern and Western men and women on the contrary had hardly began work ere they fell victims to it. They went down so fast that the medical director of the Howard Association, Dr. R. W. Mitchell, felt called upon to admonish them, as they arrived, of their liability and offer them the option of returning to their homes. In but a few instances they refused to go back. They came, and they would remain to nurse. So

[1] Of money, clothing and supplies, Memphis received nearly $1,000,000, and altogether the world contributed $4,548,700 for the relief of all the stricken towns of the South.

long as they could they did so, patiently and assiduously. A long line of graves in Elmwood Cemetery tells the story of their fidelity to a mission of mercy; to which they brought a sublime courage, great powers of endurance, a much needed discretion, some of them the experience garnered in military hospitals during the Civil War. Moved to the work by a feeling the most exalted that can prompt the human heart, they began where their dead comrades had left off, eventually and sometimes in a few hours, to fall on the spot hallowed by their martyrdom. Like the advancing column of a forlorn hope on which the fate of empires hung, they pressed forward in the face of a foe whose mysteries have never yet been fathomed. The sense of danger with them was dumb; the sense of duty was eloquent. If they had moments when their steps faltered, the hand became unsteady or the heart wavered, it was never known but to themselves. Theirs was a work of love, to which they grew the more the demands of the unfortunate pressed upon them. They lived to save life, and died in an heroic effort to conquer death. They fought against dreadful odds. Out of a population of not more than 20,000 they lost 5,150, one in four of the whole number, or seventy per cent. of the white people who remained in the city.[1] By comparison with the statistics of other campaigns with yellow fever, these, though significant of the havoc it made, were not so discouraging as annihilation. So long as all were not sick or dead there was some hope. Building on this hope, inspired by narrow escapes, they continued to the last, growing fewer in numbers every day, so that only a squad of a once division could answer to the roll-call on the day of discharge. The doctors fared no better than the nurses. Death avenged himself upon them. Less exposed to the poison than the nurses—who were confined for days to the same rooms as their patients—and with some advantages of exercise in the open air, riding or walking, it was hoped they would escape in numbers sufficient to justify the hazards they took. It did not prove so. Their proportion of sick and dead was quite equal to the general average. The physician could not heal himself. Some of them, as some of the nurses, poved unmanageable as patients. Even "with their eyes open" to the extreme dangers that resulted from fatigue, they rushed on to destruction. They were all heroes. Old and young men vied with each other, and enthusiastically, not only in the infirmaries, hospitals, hotels and in comfortable homes, but in the humble and grotesque cabins of the negroes. Every call was obeyed, no matter at what hour it came, or from whom. They made the

[1] The medical estimate put the total population, during the epidemic, at 19,000, and the total sick at 17,600, the deaths as stated being 5,150, a little less that one-third. Members of the Howard Visiting Corps, who visited every ward and every house, say that the population could not have been more than 20,000, of which number 14,000 were negroes, of whom 960 died, leaving only 6,000 white people, of which number 4,204 died, seventy per cent. of the whole number. Not more than 200 white people escaped the fever, and most of these had been victims of it during previous epidemics here and elsewhere.

most of time and distributed their skill among as many as they could. While thus employed, every energy strained, they did not forget the cause of science. Observations were made, and nearly three hundred autopsies at a greatly increased risk to health and life. They met every night to compare views and report results. These meetings were the light and life of each day. There they refreshed themselves in social intercourse and gathered fresh courage for a struggle that seemed endless. Each day brought the same duties and similar experiences. Only one change was noticeable—the decrease of their numbers, and so it went on to the end. The same earnestness and devotion characterised the priests, preachers and nuns who committed themselves to good offices as ghostly counsellors, and to all the tender solicitudes as nurses, the Roman Catholic priests being especially conspicuous, and as a consequence suffering most severely. They were incessant in their ministrations and ten of them fell martyrs to the cause of religion and suffering humanity. The Free Masons, the Odd Fellows, the Knights of Pythias, Knights of Honor, the members of the Hebrew Hospital Association, the Typographical Union, the Telegraphers, and the Father Matthew Society, and the Citizens' Relief Committee, the Southern Express Company, the railroad companies and Howard Association[1] were also assiduous and untiring and paid dearly for their devotion to duty. During the weeks and months of awful havoc the demands upon these organisations were in proportion to the new cases that every day developed. Overworked, their energies taxed beyond all that men under ordinary circumstances are called upon to endure, the active workers in these organisations fell easy victims to the disease. In vain the best physicians were taxed for skillful treatment; in vain the best nurses watched every hour and every moment, every change. There was found no medicine in the whole range of the world's experience that could bring back health and life—they died as certainly as they were taken with the disease. They had but little rest and no time for recuperation. What sleep they could get at brief intervals, in the exercise of an occupation that required a sleepless vigilance, they considered a heaven-sent relief. This was not enough. Tired nature broke under the strain and they went down under the reaper like ripened grain. Theirs were not long to be beds of pain and anguish. A few hours of consuming fever, the pulse in the nineties, and the temperature as high as 106½, and death came mercifully to their release. Life ended, their tasks were done. But their mission was not completed. Other feet were already treading in the same path; other lives were solemnly dedicated to the same heroic sacrifices. The endless chain of events so awful as to stun the world beyond and summon from

[1] For particulars of the work of these organisations and the names of their heroes and martyrs, and also those of the Roman Catholic priests and nuns, the Protestant pastors and sisters, and all others who shared the horrors of the epidemic see J. M. Keating's "History of the Yellow Fever Epidemic of 1878."

the remotest parts of the earth a benevolence that illumined the time with the light of an abounding and never tiring charity still demanded that these willing servants should suffer martyrdom, the heroes of a holy cause. The sisters and nuns of the Protestant Episcopal and the Roman Catholic Churches were especially marked for martyrdom. They won for their orders an imperishable renown. They set an example worthy the sisterhoods of apostolic times, and illumined the history of their sex, so rich in charity by a religious zeal softened and tempered by sweet compassion; by unflinchingly encountering all that is terrible in one of the most loathsome of diseases; by braving death with resignation, and by the outporing of a sympathy as profound as the general sorrow. The printers and telegraphers suffered more than any other classes. Indeed they were almost decimated. The nature of their employment exposed them more than any other classes, save the doctors and nurses, to the fever poison. They fell very fast. Only one of all those employed by the telegraph company escaped, and of the editors, compositors and pressmen of the daily press, only one escaped of the *Ledger*, four of the *Avalanche* and two of the *Appeal*. Their numbers thus so rapidly decreased, these heroic men continued not only to fulfill the duties expected of them by a public, impatient for every fact and incident of the epidemic, but nursed their sick and buried their dead. Though often wearied to exhaustion, ready to fall for want of strength, they continued to send messages, and print papers and to succor those who had claims upon them. Their fidelity, courage and humanity could not be surpassed. They exhibited from first to last the noblest traits, and commanded the respect and admiration of the world. Duty was thus exemplified by all classes. The railroad companies, later on, when the fever had taken nearly every white person in the city — when there was no longer any food for it, and its decline was so perceptible as to encourage the beneficent organisations in the belief that they could turn their attention to the suffering communities near by — crowned all their previous liberality by placing daily hospital trains at the disposal of the Howard Association and Citizens' Relief Committee, on which were carried nurses, doctors, medical supplies and food to places but lately invaded by the decimating disease. And so with the Southern Express Company, which continued to carry money, clothing and medicines free throughout the epidemic, and at great loss of life to its heroic employes and officers. The dreadful visitation had thus its bright side. Humanity and benevolence enlisted the active co-operation of all sorts and conditions of men, and of corporations that, though suffering severe losses at that season of the year when they should have been making up for the dullness and deficiency of summer, spared no expense, counted no cost where a life could be saved, and the charity of the world was to be dispensed to a sick and dependent people. Heroism was the rule in all the walks of life, neglect and desertion the exception. Forbearance, fidelity, and fortitude were qualities that were

illustrated every day, and by persons widely separated by birth, education, habits, condition, and experience. This was most apparent in the beneficent organisation known as the Citizens' Relief Committee,[1] which, with the Howard Association, was looked to by all classes, not only for help and sustenance but for protection. An organisation better calculated for the purpose which called it into existence could not have been devised, nor could one have been more faithfully managed. It is not too much to say that but for its officers anarchy, confusion, riot, robbery, arson, and murder would have prevailed to increase the burdens of a period, every hour of which was freighted with special horrors, and that perhaps the city would have been destroyed. A clamorous and hungry mob, which did not hesitate to threaten and support its threats with a manifestation of disposition as cruel as its words, were prevented from carrying these threats into execution by the prompt and determined orders and preparations of the Citizens' Relief Committee for the suppression of a lawlessness, the dread of which, for a time, weighted the energies of all who were administering public affairs. With the police and fire departments reduced to a mere handful, it would not have been difficult for the threatening mob to have pushed on to the consummation of its purposes. With four or five thousand vacant houses, abandoned by their inmates, or by the death of the servants left to take care of them, hundreds of them filled with valuable family treasures, enough to have excited the cupidity of the criminals who lurked about the unguarded streets on which sometimes not a living thing was to be met with by night or day, it required more than the earnestness and determination of ordinary times, something of the resolution, alertness, and extremity of war times to prevent the excesses so much dreaded by thinking men as the worst of the results of the epidemic. It was estimated at one time that not less than two hundred tramps and thieves invaded the stricken city, coming from no one could tell where, ultimately going no one could tell whither. They stole the badges of the Howard nurses and thus gained entrance into homes where the epidemic had paralysed all it had not killed. The operations of these vagabonds helped to intensify the fears occasioned by the threats of the hungry mob. But owing to the measures for protection set on foot by the Citizens' Relief Committee, they quickly disappeared, and with them went all fears for the safety of life and property. The police were instructed to arrest all persons found on the streets after nine o'clock at night who could not give a satisfactory account of themselves—all who were not employed as nurses or doctors, or who were not employed by the telegraph

[1] Organised on the 17th of August, the surviving members at the close of the epidemic being Luke E. Wright, D. T. Porter, J. M. Keating, James S. Prestidge, Ed. Whitmore, W. W. Thatcher, Casey Young, C. F. Conn, D. F. Goodyear, and Captain Maccabe, the commissary in charge of stores. This association expended $93,914.11, and issued during August, September, and October 745,735 rations. The members who died were Charles G. Fisher, J. G. Lonsdale, jr., William Willis, S. M. Jobe, and the Rev. Dr. Slater.

company, or in the several newspaper offices. Two negro military companies, well drilled and equipped, were encamped opposite Court Square, a train was held in readiness to bring in the Bluff City Grays, then doing duty at Camp Joe Williams; and the Chickasaw Guards were recalled to Grand Junction, where they remained until the possible necessity for their aid had passed away. A company composed of one hundred and five citizens at Raleigh, volunteered for service, and a like company in the southern part of the county near the Mississippi line. In the city about one hundred white men could be found fit for duty, and of these every man of them volunteered for duty and held themselves ready to rally at the Express Office on the north side of Court Square at a given signal of three taps of the fire bell. Information of these military preparations and the shooting of a ruffianly negro, who attempted to intimidate a colored soldier on sentry at the entrance to the commissary department, had the most happy effect. It proved to those who contemplated riot or crime that, though few in numbers, the men who were managing affairs could not be trifled with, and that, at any hazard to themselves, they would enforce law and order. Ex-Attorney General Luke E. Wright, who was an active and zealous member of the Citizens' Relief Committee, and who was in the Commissary building when the shot was fired, went quickly to the front, and in a tone of voice distinctly heard above the wails of the terrified negro women, thanked the sentry for his devotion to duty, complimented his company for its promptness in coming to his assistance, and assured all present that the shot which was so well aimed was merely the prelude to what would certainly follow if any attempt was made to violate the public peace or interfere with the business of, or steal the goods entrusted to the Relief Committee by the people of all the States. It was a perilous moment. The tide seemed for some days to have been with the evil-disposed. The quickly delivered shot of the negro guard, and the brave and impressive speech of General Wright[1] turned it, and thereafter there was no trouble. The white man who incited the negro desperado,

[1] No incident in the unfolding of the dreadful drama was so stirringly tragic as this, and it is doubtful if there was another man in the city who could have acted as promptly and with such decision as did General Wright. One of the heroes of the civil war, he had while still of tender years passed through scenes of carnage that had tried men's souls, and he then faced the unseen enemy not with misgivings of his fate, not with a feeling of license of escape, but with the spirit of a brave man who knew his peril and faced it as a duty, willingly and with unfailing courage. In civil life, as attorney-general of Shelby county, he had already given the community proofs of the highest moral courage and unflinching fidelity in the enforcement of the law. In that position he knew nothing but his duty. So also as a soldier, rising rapidly to the command of a battery, he made it conspicuous among all others for readiness, for rapidity of movement, and for execution. Of a determined, unflinching and unyielding nature, and gifted with high intelligence, he was born to command. On the fated day in question, this was made evident in his manner, his look, his gesture, and the tones of his voice, which to every one present conveyed something more than the strength of the man who was speaking. It was the voice of authority in a dread emergency, and was as potent in its spell as if a thousand men stood ready to carry his orders into instant execution.

so summarily made an example of, was, it was said, soon after "lost." He was never heard from afterward. Thus warned, the hitherto impudent thieves made their way from a city in which they felt themselves besieged, and where they began to realise that punishment swift and sure would be meted out to all of their number arrested for crime. Many citizens and the press generally hinted the necessity for a gallows. It was also suggested by one of the papers that since there were no courts the most summary process would be in order, as a certain means of insuring public safety. There was no time to dally with criminals. The sick, the dying, and the dead claimed the attention of every one able to give it. Besides, no one suffered for food or clothing. Both were in abundant supply, and both were given as asked for through persons employed to see that favoritism was not indulged in and upon the order of ward committees who examined into the condition of all applicants. The commissary department was admirably conducted. Order and precision characterised its management, notwithstanding the clerks died so fast that for a time those who succeeded to their labors were compelled to work night and day to meet the demands of the needy and clamorous mob that every day besieged the doors. Accounts were carefully kept of the receipts and disbursements, and the requisitions of the ward committees were filed as vouchers so that every pound and ounce of food or bushel or cord of fuel or suit or part of a suit of clothes was accounted for. By this system the bounty of the whole country and of Europe found its way to the really needy as was intended by the donors. There was no extravagance, no waste, no unnecessary delay; nothing that could be avoided, nothing that would needlessly intervene between those who needed the charity and those who gave it. Without money and without price, these gentlemen braving the epidemic, labored in the public behalf. They had no reward to expect other than that which is the recompense of every good action—the satisfaction of its performance. No honors awaited them. No government stood ready to decorate them as heroes. An approving conscience, and the indorsement of those who knew what they were doing, how faithfully and honorably they did it, and with what largeness of sympathy for those to whom they were almoners, they accompanied it—that was all. They preserved order and saved property from the itching fingers of the thief and the housebreaker and the torch of the incendiary. They prevented by a timely precaution, by an exhibit of determination, by a scanty but prompt array of troops, the destruction, perhaps of the city, and so saved the lives of thousands who in the excitement of riot, would have perished on the streets, perhaps in the flames of their burning dwellings. It is no exaggeration to say, that had it not been for the firmness of the relief committee chaos would have ensued upon the panic of August, and the most frightful excesses would have resulted. It enforced order and obedience to law and reassured all who were engaged with the sick and the dead, that they could labor in peace, in absolute

security, with none to make them afraid. With such an auxiliary, under the protection of such strength and firmness, the Howard Association[1] felt free to prosecute its beneficent work without the dread, greater than that of death, which springs out of the existence of lawlessness, license and disorder; could peaceably pursue its work and continue to stem the torrent of death and desolation. It could rely with certainty upon the will and resources of the Relief Committee, and rest secure that its sacred task would not be interrupted or interfered with. How large that task and how heavy the burden may be learned from the fact that during the epidemic the Howards expended $415,790.53, employed 111 physicians, and 2,900 nurses, and furnished medicines and medical supplies, nurses, and doctors to fully 15,000 sick. Taking no heed of their own safety, the members of the association, placing themselves under the guidance and control of A. D. Langstaff, first vice-president (who was president in 1873), prepared for a long siege, during which they were to be tried as men have seldom been tried in this world. Visitors were at once appointed to the districts into which the city was divided and mapped, and a census of the sick was taken, revealing a state of things that almost surpassed belief. By the end of the first week they found more than 1,500 patients, and the mortality averaged ten each day; by the end of the second they found nearly 3,000 sick, and the mortality had jumped to fifty per day. The city hospital was full of poor patients, and the able, humane, and tender-hearted physician in charge, Dr. Thornton,[2] was already almost worked down. To relieve him, three infirmaries were established, but could not, for want of mechanics to fit them up, be made available earlier than the middle of September. A medical corps, under Dr. R. W. Mitchell, an experienced and able physician, was organised and performed a work beyond all praise. With their aid and such help as the other charitable organisations and the benefit societies could give, the Howard Association continued to battle with the pestilence, which aggravated by other diseases bade fair at one time to depopulate the city. This was not accomplished without great loss. Of the 111 physicians employed, 54 were taken with the fever and 33 died; of the 2,995 nurses employed more than 1,000 died; and of the association's members numbering

[1] The active members reporting for duty were A. D. Langstaff, W. J. Smith, J. H. Edmundson, J. H. Smith, John Johnson, A. M. Stoddard, J. W. Cooper, B. P. Anderson,* W. D. McCallum,* Louis Frierson, D. G. Reahardt, W. S. Rogers, F. F. Bowen, J. G. Lonsdale,* E. B. Mansford,* N. D. Menken,* J. T. Moss, S. M. Jobe,* R. P. Waring, J. Kohlberg, Charles Howard, J. W. Page, T. R. Waring, P. W. Semmes, W. A. Holt, E. B. Foster,* J. W. Heath,* Fred Cole,* A. F. C. Cook,* W. S. Anderson, C. L. Staffer, W. Finnie. Of the honorary members, Dr. Luke P. Blackburn, Kentucky, Major W. T. Walthall, Captain P. R. Athy, and the Revs. W. E. Boggs, S. Landrum, and E. C. Slater* reported for duty.

[2] He eventually succumbed and had a bad attack of the fever for the second time, the first being in 1873.

* Died.

39, only 7 escaped, and 12 of the 32 attacked died. On the 7th of October the fever having diminished to 57 new cases and 24 deaths on that day, and the labors of the association having been correspondingly decreased, President Langstaff determined to answer the calls of the surrounding communities on a scale equal to their necessities, and for that purpose organised relief trains to be run on the three principal railroads—the Memphis and Charleston, the Mississippi and Tennessee, and the Memphis and Louisville (or as it was then known to the world, the L. N. and Great Southern). The first of these trains left the city on the 8th on the latter road, the second on the 9th on the first named, and the third on the 13th on the Tennessee road. They carried provisions as well as medical and hospital supplies, physicians, and nurses, and although it was late in the epidemic when they started, accomplished a great deal of good. Never were the good gifts of good hearts more heartily welcomed than were the comforts thus dispensed to their needy fellow-sufferers by the Memphis Howards. What the people of the small towns along the roads mentioned had endured was beyond belief. Death had, in many cases, taken nearly every one in a hundred, leaving only one or two to tell the awful tale. In vain the sublimest heroism was exhibited. In vain every suggestion and triumph of science was exhausted. The fever swept past every obstacle, and carried all with it who could not withstand the shock—and they were few. From time to time the Howards had done what they could to relieve these sorely tried and bereaved people, but until the relief trains were organised it was found impossible to do all that was necessary without a flagrant neglect of the sick at home. For two weeks this most practical of the beneficences of the time continued, the trains being everywhere received with gladness by the afflicted people, to whom they brought what money could not then purchase. Almost simultaneously from all the stricken towns, towards the close of October, the glad news went out to an impatient world that the fever was near its close. Its days were numbered. On the 29th the Memphis Board of Health declared the epidemic over. Many cases of fever existed, and some few occurred after that, but in epidemic form it had expended itself. The work of the association was brought to a close. The relief trains ceased to run; the last of the nurses were called in and paid off; other help was discharged; the suburban agencies for the distribution of medicines and supplies were closed, and the medical department and the physicians were dismissed. Thus was brought to a close the third and hardest fought campaign of the Memphis Howard Association. The personal trials of its members had been severe. Some of the oldest and noblest of the original members had passed from human sight, and many who, though young in the cause, had brought to it the enthusiasm of nature's ardent and eager to learn the sublime lesson of humanity. But as these fell, the ranks were closed up, the step became firmer, the movement steadier, resolution stronger. So long as

there were cases of disease and a Howard left, so long there was need for the exhibition of all those qualities which, invaluable in the sick room, were precious incentives to duty on future and similar occasions. Three times the Alabama street depot was closed by the death of the agent. Whole families had perished in its vicinity. It was the breeding place of the pestilence, yet every dead Howard was succeeded by a living one—the bridge of Lodi was held to the last. A painful incident of the epidemic, thus illustrates the courage which braved all things to succor and save poor, helpless fellow-beings. The annals of war afford no higher evidence of courage,[1] of unselfish devotion to duty, of a pure and lofty heroism; and it is doubtful if any other people than ours, trained to self-control in the school of adversity, could equal it. The Howards' is a glorious record, of which their fellow-citizens are proud. It is a spotless record, free from all taint—a record that embraces all that is worthy of imitation in human courage, unselfishness, endurance and self-sacrifice.

VIII.

THE epidemic of 1878 paralysed the city. For some weeks after the people had returned, many of them to desolated homes and to mourn the loss of relatives, but little labor of a public character was attempted. They were occupied in putting their homes and business in order and readjusting themselves once more to the routine of life. On the 28th of November of that year, being Thanksgiving day, a mass-meeting was held at which public acknowledgment was made of the help in men and women, money, provisions, clothing and medicines, which poured in during the epidemic from every part of the world, and thanks were expressed in exalted but dignified language, especially for the example of those who had died in the effort to succor and

[1] The London *Standard*, moved by the heroism thus exhibited, said: "It is this people, the flower and pride of the great English race, on whom a more terrible, more merciless, enemy has now fallen. There can be now no division of sympathy as there is no passion to excite and keep up the courage needed for the occasion. Yet the men and women of the South, are true to the old traditions. Her youth volunteers to serve and die in the streets of plague-stricken cities as rapidly a they went forth, boys and gray-haired men, to meet the threatened surprise of Petersburg—as they volunteered to charge again and again the cannon-crowned hills of Gettysburg, and to enrich with their blood, and honor with the name of a new victory every field around Richmond. Their sisters, mothers, wives and daughters are doing and suffering now, as they suffered from famine, disease, incessant anxiety and alarm throughout the four years of the Civil War. There may be among the various nations of the Aryan family one or two who would claim that they could have furnished troops like those which followed Lee and Johnston, Stuart and Stonewall Jackson, but we doubt whether there be one race beside our own that could send forth its children by hundreds to face in towns desolated by yellow fever the horrors of a nurse's life, and the imminent terrors of a martyr's death."

save those who, surviving the dreadful ordeal of death, remained to testify to its horrors. This melancholy duty performed, the question of changing the form of the municipal government was again revived. Under the then existing government of the mayor and board of aldermen and councilmen, it was found impossible to escape the clutches of the United States Circuit Court, whose mandamuses to satisfy the claims of hungry creditors were every day interposed to prevent the expenditure of the taxes for the purposes for which they had been levied and collected. From the harassments and annoyances thus pressed by the creditors, notwithstanding the losses and sufferings of the people, and in spite of the mourning into which they had been plunged by reason of the awful epidemic, the gloom of which still hung like a pall over the community, there was no way of escape short of a complete local revolution. This, after much careful and earnest discussion by many of the ablest men in the city, was agreed upon, and a public meeting was called at which a skilfully drawn bill[1] was read, and after careful deliberation was adopted and ordered to be presented to the members elect of the Legislature for speedy passage. In the furtherance of this object, special reference was had in selecting members to the General Assembly, prominent among whom was Hon. J. W. Clapp, as the citizen most intimately identified with the measure from its inception, and who was nominated and elected to the State Senate during his absence from home and without any knowledge of the fact on his part. In view of the meeting of the Legislature, in January, 1879, the bill, originally drafted by the city attorney, S. P. Walker, was submitted to the scrutiny and revision of prominent legal gentlemen, conspicuous amongst whom was Judge C. W. Heiskell and Colonel George Gantt. Under their supervision the feature of the bill placing the city when dismantled under the control of the County Court was eliminated, and other important changes made, and the bill thus prepared with such further alterations, as were made pending its passage, was on the 29th of January, 1879, passed by the General Assembly, but was withheld by those having it in special charge from the approval of the governor until the 31st of January, in order that the officers of the municipality might in the mean time resign and the corporate machinery be thus entirely disorganised. The title of this memorable act of destruction and re-creation is "*A Bill* to establish Taxing Districts in this State to provide the means of local government for the same," and may be found in Chapter XI of the acts of the Legislature of 1879. It provides that the taxes for the support of the district shall be levied by the State; that the governing agency shall be a board of fire and police commissioners, a board of public works, who together form the legislative council of the taxing district which makes the laws for the district. Judicial authority is vested in the president of the board of fire and police com-

[1] Prepared by the Hon. George Gantt, an old and honored, and one of the ablest, members of the bar.

missioners to enforce the ordinances and all the powers usual and incident to corporations are vested in the council, and a board of health composed of the chief of police, the health officer and a physician, to be selected and elected by the council, and who is *ex-officio* president of the board. All work for the district is to be done by contract, bids in all cases to be advertised for and the budget on which the Legislature basis the tax levy is to remain intact, the appropriations for one purpose not to be used for another under penalties fixed by the law which declares such use or transfer of funds to be a felony punishable by fine or imprisonment, or both; nor can the commissioners contract any debt or issue any warrants unless the money is in the hands of the treasury to redeem them. They can issue no bonds nor contract any debts or contract for any work which is not provided for in the budget, and all parties contracting to do work must look alone to the funds. The commissioners make quarterly reports to the County Court and to the governor every two years when the rate of taxation deemed necessary is also reported to the Legislature, as it has been agreed upon by the chairman of the board of fire and police commissioners, the chief of police, the president of the board of health and the supervisors of the board of public works. Stringent and strict where the commissioners and their duties are involved, the law is sufficiently liberal to anticipate every possible or probable emergency of the municipality. It is just such a law as the exigency called for. It protected the people against their creditors, and gave them time in this respect to put their house in order before resuming their obligations to pay their debts. This law, so strong in every direction, was approved by the governor on the 30th of January, 1879, and a few days after Judge Clapp, at the head of the Shelby delegation to the Legislature, came down to the city from Nashville and made formal presentation of it at the Peabody Hotel to Colonel Gantt, who was the people's leading counselor and adviser. In doing so he made a brief address, which was responded to by Colonel Gantt in behalf of the people, and from that time he became the special defender of the new law, the strength of which was tested by the creditors who showed a cormorant, and under the circumstances, cruel spirit of greed. They took the question of its validity to every court only giving up when the Supreme Court of the United States declared it a constitutional enactment. Familiar with the scheme of government in all its bearings with every section of the original and all the necessary supplementary laws he was armed at all points and was invariably crowned with success. "I regard Colonel Gantt's argument before the Supreme Court of the United States on the constitutionality of the law establishing our present form of government," said a distinguished member of the Memphis bar "as the crowning achievement of his professional career. He represented the people in all the litigation and contests that ensued, and the labor performed by him was very great requiring more than ordinary research, care and fore-

sight. A singularly modest and unobtrusive man, he devoted himself with singleness of purpose to the interests of his fellow-citizens, with whom he shared a sense of the dangers that beset the city as a result of the years of reckless mismanagement that have been traced in the pages of this history.[1] The formal presentation of the taxing district law was shortly after followed by the appointment and election of D. T. Porter, John Overton, jr., and M. Burke to be fire and police commissioners, the first named to be chairman; and of C. W. Goyer, John Gunn, R. Galloway, W. N. Brown and J. M. Goodbar to be supervisors of public works, the first named to be chairman. At their first meeting as the legislative council they elected Dr. G. B. Thornton, Chief-of-Police Athey and Health Officer D. F. Jackson to be a board of health. And thus the taxing district government was launched. On Dr. D. T. Porter as the head and front of the new government largely devolved the work of initiating it and of breathing the breath of life into it. He entered upon his herculean task with zeal, and soon gave proof that he was the man for this most trying emergency in the history of the city. He had had no previous experience in governmental affairs, and bore no relation to politics other than that of a citizen who professed Democratic principles. He was a merchant of the highest probity, who carried his religious belief into his dealings with men, and squared all his conduct by the standard of Masonic integrity. Quick, ardent and impulsive, but of marvelous energy and inexhaustible will power, he eagerly entered upon the work before him, though reluctant at first to assume the duties of an office that he knew would tax even his powers to the utmost. The crisis in the affairs

[1] Colonel Gantt, it is only fair to say, had the counsel and help of most of the ablest lawyers of the city, all of whom made common cause with the people in their effort at governmental reform. A personal friend who was cognisant of the scope of Colonel Gantt's labors says: "The first I ever heard of a taxing district was from Colonel Gantt, I think others, possibly Judge Wright spoke of repealing the old city charter and merging Memphis into the body of the county, but the idea of repealing the old city charter and at the same time establishing that peculiar and nondescript municipality known as a taxing district, I am sure originated with Colonel Gantt. He never tired in his advocacy of the abolition of the ward system which he regarded as the cause of bad government and of lodging the taxing power with the Legislature in order to escape coercive measures on the part of the Federal courts. It was well known among many of our prominent business men that Colonel Gantt entertained these opinions when the refugees returned after the fever of 1878. Immediately thereafter frequent meetings took place in the office of Gantt & Patterson to discuss and elicit the best possible measure to be adopted. These meetings would take place in the evening after business hours. I remember that Judge C. W. Hesikell, General J. B. Heiskell, Mr. B. M. Estes, Mr. George B. Peters, Mr. S. P. Walker and Minor Meriwether frequently attended these meetings. Dr. D. T. Porter, J. R. Godwin, J. M. Goodbar, J. T. Pettit, Napoleon Hill and D. P. Hadden were prominent among the business men. The plan of action recommended by Colonel Gantt was the one adopted. He prepared the larger part, if not the whole of the bills that were introduced in the Legislature for the purpose of carrying out this policy. Suggestions made by other gentlemen were adopted during the preparation of the bills, but it was he who did the great bulk of the labor, as it was he who was the fabricator and builder of the new government."

of Memphis was its most momentous one, and he saw that besides the inauguration of a new system of municipal government, he would have to encounter the bitter and persistent opposition of those who were opposed to it, and the shuffling of those who had doubtingly yielded their consent to it. But over and above all these drawbacks there was the menacing power of the Federal Courts with their precedents, and the clamors of the city creditors made more rapacious by the unnecessary and inexcusable movement for the repudiation by the State of a part of its debt. Nothing could be more inauspicious than the time chosen for so grave a change. But municipal wreck and ruin, and decimating epidemics would brook no delay. The effort must be made. Dr. D. T. Porter thus chosen to lead the forlorn hope was the man to make it. His whole life had been devoted to mercantile affairs, and he entered upon his duties as he might have done upon those of a new business. He had nothing to do near or remote with the old bankrupt city government. This was positively forbidden him by the law of the Taxing Districts being. He had therefore to give life and vitality to the new government set in motion, and give it direction. Limited to an economic basis of expenditure, he applied his own methods of mercantile economy, and demanded from the employees as from contractors, the greatest possible amount of faithful service and good work for the money paid. Dr. Porter was very fortunate in the character of his associates in the board of fire and police commissioners. John Overton, the grandson of the founder of the city, a man of fine and correct business habits, and of the highest integrity, had a very thorough knowledge of Memphis, of its history and progress, and the causes that conduced to its almost ruin. He had had some experience in the Legislature, and though he differed with the doctor as to the feasibility of some projected improvements, was in the main in full sympathy with him, and gave him a very hearty support. Mr. Burke, whose business ability had long ago been recognised by many of the most celebrated railroad managers, as one of their number who stood close up to the head of his profession, served several terms as a member of the board of aldermen, where he was conspicuously on the side of "economy, retrenchment and reform." He possessed a very intimate knowledge of city affairs, and was in sympathy with the movement by which so great a revolution had been effected in the municipal affairs of Memphis. He co-operated heartily with Dr. Porter, and sustained him in the work which he so rapidly executed. The board of fire and police commissioners could not have been more happily constituted. The members were the complement of each other, and were well mated. Of the board of supervisors of public works C. W. Goyer, W. N. Brown, J. M. Goodbar were leading merchants, and men of good practical sense and experience. John Gunn was a mechanic, who by industry, probity and ability had won a high place in the confidence of the public, and Robert Galloway was a transportation agent who had had some experience in city affairs. Thus composed of experienced

and successful business men, the Taxing District Council was admirably adapted to carrying out the objects and purposes of the new law which in effect declared that municipal management meant simply business management, the largest amount of results from the least expenditure of money, paying cash for everything, and assuming no obligations for which provision had not been made in the budget. After organisation had been effected, the new government lost no time in putting the various departments upon a working footing, giving especial attention to the board of health, to which, under the direction of the skillful and experienced intelligent sanitarian, Dr. Thornton, who had performed signal and invaluable services during the two epidemics of 1873 and 1878 it looked for immediate reforms. The necessity for the enforcement of stringent sanitary laws, and the putting of the city in a condition to resist epidemic diseases in the future was generally admitted, and in April a preliminary meeting of citizens was held at the Cotton Exchange, and subsequently an adjourned meeting at the theatre, at which J. M. Keating, by request, delivered an address on sanitation and the benefits of sanitary work to prevent the introduction and spread of epidemic diseases, which enkindled a great deal of enthusiasm, and lead to the subscription at once by those present, of several thousand dollars as a fund for the Auxiliary Sanitary Association, which was there and then organised by the election of officers.[1] This association thus well equipped with funds, proved to be of invaluable service in assisting the Taxing District Government in the work of sanitary reform, which it had introduced immediately upon its assumption of authority and power. But want of time and the opposition of a few prevented the consummation of any of their plans beyond the emptying of fifteen hundred or more cess-pools and the cleansing of the streets and alleys.[2] While the plans for this work were being discussed in April, the death of a woman

[1] The following are the names of the officers and members comprising the working committees of this admirable association to which Memphis is indebted for at least a fine example of unselfish work: James S. Prestidge, president; Colton Greene, J. W. Dillard, N. Fontaine and H. Furstenheim, vice-presidents; W. W. Thatcher, treasurer; A. D. Langstaff, secretary; John T. Willis, assistant secretary, Elias Lowenstein, Dave Eisman, J. S. Watkins, sr., Luke E. Wright and J. M. Keating, executive committee; D. P. Hadden, L. Haneuer, H. M. Wesley, J. Fowlkes, and J. G. Beasley, finance committee; Dr. R. W. Mitchell, Dr. Overall and Dr. W. B. Winn, committee on sanitation. It was at a meeting of this association held in July that J. M. Keating offered a resolution that the governor be requested to call an extra session of the Legislature to levy a special tax of fifty cents on the $100 of assessable property in the city for sanitary purposes,

[2] Dr. F. W. Reilly, who had been in the city during the epidemic of 1878, as an officer of the Relief Boat, and knew something of its political as well as its unsanitary condition referring to the difficulties that Dr. Porter had to encounter as president of the Taxing District, under which title it was attempted to administer the affairs of a community still stunned by one of the most terrible epidemics of modern history, says "new offices and officers, new ordinances and regulations, in short, the entire administrative and executive municipal machinery, had to be created *de novo*, and in the face of weighty doubts as to the constitutionality of a single step that was taken. Did the health authorities attempt the abatement of the most palpable nuisance,

who had had charge of the Linden street public school building under suspicious circumstances leading to the belief that her's was a case of yellow fever, was reported to Dr. Thornton, president of the board of health. A careful investigation of the sanitary condition of the premises she occupied revealed the fact that the vault of the school-house which had been used as the receptacle of the ejecta of the yellow fever patients of the neighborhood had some few days before she was taken sick been emptied, and that she had in the performance of her duties as janitress been exposed to the germs thus reawakened into activity during rather close and sultry spring weather. The immediate neighbors of this woman had much to say about her death, but neither the newspapers nor the health authorities paid any attention to their charges. Her death was reported as the result of malignant malarial fever. This prevented anything like scare and panic, but it strengthened the arguments of those who held that during warm weather all such work as cleaning vaults and turning up earth should be discontinued. Accordingly all sanitary work was stopped in May, by which time the weather became very warm even for this latitude. In the latter part of that month another case of yellow fever was reported in the person of a man named John Butler, residing with the Doriac family in South Memphis, the history of which as reported by the health authorities is, that "on the 20th of May, Butler assisted Mrs. Doriac to clean up a very dirty house near the corner of Fifth and Jackson streets. All the family, five in number, occupying this house during the previous year were sick with yellow fever, and the head of the family died. The house had not been thoroughly cleansed until Butler and Mrs. Doriac removed the old carpets and straw left on the floors, cleared out the rubbish and dirt, and took away the mattress upon which the previous occupant had died. On the 23d of May Butler was taken sick, and on the 26th he died with suppression of urine and black vomit. A few days after Butler's death Mrs. Doriac was taken with violent fever, which was thought to be bilious fever by the attending physician. One or two other doubtful cases occurred in the latter part of June, but the main outbreak was from the 4th to the 9th of July, the first case being that of Thomas Mulbrandon, who was taken sick on the 6th and died on the 9th of July. Simultaneously with this cases were reported in the Tobin and Ray families, in widely different quarters of the city, in view of which during a period of unusually high temperature, and also in view of the still general unsanitary condition, it was deemed most prudent to recommend the depopulation of the city. This was ef-

straightway the question arose as to the authority and responsibility, and there were not wanting obstructives and demagogues to interpose all manner of difficulties to the abridgement of inalienable right of the *ὁι πολλοι* to be as filthy as possible." Struggling and crippled, still some progress was made during the spring and summer. Visiting sanitarians spoke and wrote in terms of warm commendation of the efforts both public and private, they found being put forth to ward off another epidemic visitation, and to redeem the city from its legacy of maladministration.

fected to a large extent before the close of the month. The population of the city at the outbreak of the epidemic was estimated to be 40,000; of these there left by the river, 2,218; by railroads, 15,708; went into camps about the city, 2,254; went out by dirt roads and other ways, 2,500;—total number, 22,680. There were remaining on the 29th of July, as per census taken, 16,110, to which ten per cent. was added for those omitted in the census. A system of inspections, transfer stations, and of disinfection of persons and baggage, was immediately inaugurated under the direction of the State Board of Health, and every possible precaution was taken to prevent the spread of the fever to the country and the adjacent towns, so severely scourged during 1878. The epidemic yellow fever, which was of a very mild form compared with 1873 and 1878, continued until the 10th of November, when it was officially declared to be at an end, and the people once more returned to their homes wearied of four months of enforced exile, for the second time in two years. Many of them ruined by the heavy losses entailed by hasty hegiras and the consequent unusual expenses.[1]

The following tables, prepared by Mr. John Johnson of the State Board of Health, show the number of cases from July 9 to November 10, 1879, inclusive:

COLOR AND SEX.	Number of cases.	Number of deaths	Per cent.
White males	795	332	$41\frac{76}{100}$
White females	503	138	$27\frac{48}{100}$
Colored males	326	59	$18\frac{9}{100}$
Colored females	376	54	$14\frac{36}{100}$
Mongolian	4	2	50
Unknown[1]	6	2	$33\frac{1}{3}$
Total	2,010	587	$29\frac{20}{100}$

Total white cases	1,298
Total white deaths	470
Percentage of deaths among whites, $36\frac{21}{100}$ nearly.	
Total colored cases	702
Total colored deaths	113
Percentage of deaths among colored, $16\frac{14}{100}$.	

The population, as taken by the safety committee July 29, 1879, is shown in the following table:

[1] The following is the chronology of epidemics that have prevailed in Memphis: 1740—*Fever*, Bienville's army decimated; 1827—*Dengue* or Break-bone fever; 1828—*Yellow fever*, 150 cases, 53 deaths; 1832–33—*Cholera*, Cases of death not stated—severe; 1835—*Cholera*, 350 cases, deaths 55 per cent.; 1842—*Small-pox*, *Influenza*, mortality not known; 1845—*Dysentery*, 400 cases and 50 deaths; 1849—*Cholera*, 1,200 cases, mortality 33 per cent; 1853—*Jaundice*, *Erysipelas* and *Puerperal Fever*; 1855—*Yellow fever*, 1,250 cases and 220 deaths; 1860—*Dengue*, or Break-bone fever; 1867—*Yellow fever*, 2,500 cases, 550 deaths; *Cholera*—600 cases, deaths unknown; 1873—*Yellow fever*, 7000 cases out of a population reduced to 20,000, deaths 2,000; *Small-pox*, mortality not known; *Cholera*, 15,000 cases, 276 deaths; 1878—*Yellow fever*, 17,600 cases out of a population reduced to 19,500, mortality 5,150; 1879—*Yellow fever*, 1,532 cases out of a population reduced to 18,500, mortality 485.

WARDS.	Total number of persons on premises.	Whites.	Colored.	Adults.	Children.	Number who have had yellow fever.	N'mb'r who have not had yellow fever.
1	1,902	610	1,292	1,193	709	1,137	765
2	787	309	478	555	235	442	345
3	673	321	352	534	139	387	286
4	846	374	472	626	220	432	391
5	2,422	491	1,931	1,700	722	1,869	554
6	1,420	378	1,042	969	451	953	467
7	2,020	277	1,743	1,275	745	1,264	756
8	2,362	654	1,708	1,552	810	1,636	726
9	1,583	440	1,143	1,000	680	965	618
10	2,095	429	1,666	1,247	848	1,358	737
Unknown	.....	.....	.....	.....	....	... .	1,722
Total	16,110	4,283	11,287	10,651	5,559	9,743	7,367

Per cent. of whites having fever in 1879, 30¼. Per cent. of blacks having fever in 1879, .6⅓

During the prevalence of the epidemic a large amount of work was done by the Board of Health of the Taxing District (under the direction and supervision of Dr. Thornton, who was untiring in the prosecution of his work), the State Board of Health and the National Board of Health[1] in destroying infected material and disinfecting infected premises, all of which was valuable not only for its immediately moral effect but for the prevention of the reappearance of the disease. The refugees from the city who were temporarily sojourning in St. Louis, embracing many of the largest property holders, held meetings to consider the future of the city, at which the question of its thorough and complete sanitation was discussed as an absolute essential to its life, and it was resolved, at any cost, to sewer and drain the streets and alleys, and to petition the governor to call an extra session of the Legislature in order that the necessary legislation to carry out these purposes might be had.[2] This was done at once. But meanwhile,

[1] A body of sanitary and medical experts, organised under and by virtue of an act of Congress passed March 3, 1879, and which was forced by public opinion as necessary to the general public health and safety from preventable diseases after the experiences of the epidemic of 1878.

[2] The following are the committees appointed at the meeting held in St. Louis: Executive Committee—W. H. Proudfit, Ben. Eiseman, J. N. Snowden, Dr. D. T. Porter, M. Gavin, H. Frustenheim, John Overton, Elias Lowenstein, W. N. Brown, W. W. Thatcher, John W. Cochrane and John K. Speed.

Committee on calling an extra session of the Legislature: George Gantt, Jerome Hill, Julius A. Taylor, J. M. Keating, A. J. Kellar, J. Harvey Mathes, J. S. Brigham, George R. Phelan and George B. Peters.

Committee on Loans and Finance: Napoleon Hill, Amos Woodruff, W. M. Farrington and Hugh L. Brinkley.

Committee on Engineering and Surveying: Colton Greene, M. Burke, O. H. P. Piper.

Committee on Legislation and Laws: Luke E. Wright, Judge John M. Lea, Thomas B. Finley, John T. Fargason and John Johnson.

and as a preliminary to this work, and on the 13th of October, 1879, the National Board of Health, at a meeting held at Washington, decided upon a sanitary survey of Memphis, and a special committee of the board, consisting of Dr. J. S. Billings, U. S. A., Dr. R. W. Mitchell, of Memphis, and Dr. H. A. Johnson, was appointed to take charge of the matter. This committee was authorised to have a house-to-house inspection made, provided this was agreed to by the authorities of the city, who were also to employ two experts. It was also directed to visit Memphis at the close of the November meeting of the board. On the 21st of October resolutions, adopted by the Tennessee State Board of Health, were received, inviting the co-operation of the National Board in a sanitary survey of Memphis, and the Hon. John Johnson, a former chief magistrate of the city, and one of its best and a leading member of the Howard Association, was appointed by the State Board to represent that body and to aid and counsel with the committee of the National Board. Following this call of the State, on the 30th of October the National Board was in receipt of a telegram from the Hon. D. T. Porter, president of the Taxing District of Shelby county, asking the National Board to make a complete sanitary survey of the city as soon as practicable, in reply to which he was informed of the action of the Board and was requested to give such assistance toward making the examination complete and accurate as might be in his power. As soon as the epidemic had ceased and a majority of the citizens had returned to their homes, the house-to-house inspection was commenced under the immediate direction of Dr. R.W. Mitchell, the resident member of the National Board. At the close of the meeting of the National Board of Health at Nashville, Tenn., November 22, the committee met in Memphis, having associated with it Major W. H. H. Benyaurd, United States Engineers, detailed by the war department as consulting engineer in accordance with the request of the board; Dr. C. F. Folsom, secretary of the State Board of Health of Massachusetts; George E. Waring, jr., and Dr. Charles Smart, United States Army, who had been specially detailed for the purpose of making an analysis of the water and reporting on its supply. After a general survey of the city and obtaining information and suggestions from the authorities and principal citizens of the city, and after an examination of the results of so much of the house-to-house inspection as was then completed, the committee prepared a preliminary report, and in view of the urgency of the case and the importance of prompt action, furnished a copy of the same, with their recommendations, to Governor Marks, authority to furnish such report having been granted by the board at the Nashville meeting. These recommendations related to the ventilation of all the houses and dwellings, especially in the city, the disinfection of furniture and clothing and the thorough cleansing of all vaults, wells and cisterns. It was also recommended that a large number of houses be torn down, and that all privy vaults should be cleaned out and filled with fresh earth, and that thereafter no system of dealing with excrement should be

permitted which involved pollution of soil, water or air. In those portions of the city so thickly settled as to warrant it, there should be introduced a system of sewerage to discharge into the Mississippi River upon a plan substantially as recommended by Colonel Waring. This plan excluded rain water and sub-soil water from the sewers, and made use of earthen pipes instead of brick, the dimensions of the pipes being so regulated as to secure a constant flow, which, at the maximum, shall not more than half fill the pipe at any point. The pipes are flushed at regular intervals with clean water from the city water supply, by means of a system of flush-tanks. These recommendations included a system of sub-soil drainage, discharging into the bayous and into the river. The connection of houses with this system of sewerage was to be under municipal control, and in accordance with specifications to be prepared by the sanitary authorities. Public urinals and water-closets to connect with the sewers were to be provided. The city was to take charge of the removal of excrement from all premises not connected with sewers, and insure, by frequent and trustworthy inspection, the proper condition of the receptacles so used. In those houses which were to be connected with the sewers, and in which the privy vaults were discontinued, there was to be used in the interval between the closing of the vaults and the making of connections with the sewers, some simple form of frequent dry-earth removal.[1] Dr. F. W.

[1] The sanitary history of Memphis is full of interest to the student and the inquirer. It begins with the first attempt at permanent settlement on the Chickasaw Bluff by the French, and shows how a city grew in wealth, population and influence against the fateful circumstances of natural conditions that from the first were against health and life. Nothing can be more instructive, aided by the strong light of sanitary science, than to review the growth of a large city, to go back along the highway of its topographical progress and mark the changes in levelling, filling up and grading, which have blotted out the spots which once were the breeding places of disease. The spring, the pond, the brook, and the bayou, however charming in poetry, are often discovered to be the potent sources of diseases perpetuated in their most dangerous form by the process of building and street making which eventually covers them from view. The site of Memphis was one that naturally required the engineer's skill to prepare it for habitations; it was one to challenge the attention of sanitarians, had any existed when it was planned; and it is one that often, no doubt, obtruded itself upon the intelligent physician whose skill had frequently been baffled by its unseen but potent influences in all those diseases that are now, by the faculty, labeled "preventable." It was very much "cut up." Hills and hollows were met at short, sharp intervals. There was water everywhere—two rivers and several bayous and ponds—and a soggy, wet soil that, like a sponge, absorbed all the animal and vegetable refuse of an increasing population, and thus prepared the way for a series of epidemics. The present generation of Memphians have no knowledge of the vast work that has been done in accomplishing the present grade of the streets and alleys, or of the number of bayous and branches and ponds that have been filled up and built over. There is scarcely five hundred square yards within the city limits that does not contain abundant proof of the existence of water-ways long forgotten, and of miniature lakes that progress and growth have blotted out. For years the originating cause of disease, these places have at last been robbed of their power for mischief by a system of drainage that, following the existing contour, carries off all impurities, and secures a dry and healthy soil beneath the houses, the alleys and the streets.

Reilly, one of the most accomplished physicians, and still more accomplished in every department of sanitary science, was appointed inspector in charge by the National Board, and in accordance with the instructions of the committee vigorously pushed the house-to-house inspection. He appointed Doctors G. D. Bradford, S. H. Collins, H. Ess, of Memphis; P. B. McCutchen and F. W. Parham, of New Orleans; G. W. Overall and W. B. Winn, of Memphis, inspectors for that purpose, with a corps of twenty-six energetic, prudent and skillful men who were specially drilled in the difference between facts and opinions. On the 3d of January the work was completed. The report to the National Board of Health, by Dr. F. W. Reilly, was one of the most valuable contributions ever made to sanitary history, and had the effect expected of hastening the beginning and prosecution of the work which has made Memphis one of the first among the most cleanly cities in the world. This report was thorough and therefore voluminous. It embraced ten schedules covering 256 pages of legal cap paper in six columns, setting forth the location and description of 12,390 unsanitary conditions of all grades. Ninety-six folio volumes of inspection returns, covering 9,508 inspections, paginated, indexed, and grouped by wards in such a manner as to make instant reference to the original inspection of any locality possible. The tabulation of the returns filled four royal folio volumes, containing 176,433 different entries. On these sheets every structure and individual lot of ground within the corporate limits of Memphis was succinctly described, with its sanitary history at the date of inspection. Data was furnished to Major Benyaurd, United States Engineer Corps, from which was compiled a map showing the ownership, area, and estimated value of the property abutting upon the bayou. Intended to further the plan for the bayou conservancy, recommended by the committee on the sanitary survey, but which, alas, was never carried out. A sanitary ward map, indicating, by colors, condemned buildings, infected material, yellow-fever localities of 1878–79, foul vaults, polluted and suspicious water supply and public nuisances, was also prepared, and such a map of the entire city was also completed. The following is a general summary of this work:

Total number structures and premises inspected		12,096
structures	10,873	
vacant lots	1,218	
cemeteries	5	
Total number structures inspected		10,873
dwellings, including 535 with stores or shops attached	6,387	
out-houses	3,617	
stores and office buildings	648	
churches	51	
halls, theatres, hotels and public buildings	39	
manufactories, mills and works	35	
academies and private schools	22	
livery stables and stock-yards	21	
cotton-presses, gins, oil-mills, etc	17	
public schools	11	
public markets and slaughter-houses	6	
hospitals and charities	5	
railroad depots and grounds	5	
fire-engine houses	4	
jail, station and poorhouse	3	
gas and waterworks	2	
United States Government building	1	
Total number buildings, stores, dwellings, schools, etc., excluding public buildings, etc., as well as out-houses		7,202
of wood	5,223	
brick	1,778	
of wood and brick	187	
stone	13	
iron	1	

Besides these, 1,515 cellars and basements were inspected and reported upon, and 7,211 yards and areas of stores and dwellings; 5,914 privies, of which 451 were under houses, 165 adjoining and 367 within ten feet of houses, 3,226 being between ten and fifty feet from the house, and only 1,705 being fifty feet from the house; 2,246 were pronounced clean, 3,607 foul, and sixty-one overflowing, there being only 398 water closets connected with a little over four miles of unflushed sewers, very defective in point of mutilation. Of the cisterns and wells, 4,744 in number, 369 were within ten feet of privies, 3,039 were within from ten to fifty feet of them, and 1,336 were over fifty feet from them. There were a total of 1,184 public nuisances, 124 stagnant pools, 569 cases of infected material, and within the city limits there were 2,616 animals and 8,020 geese and other fowls. This report was a sickening summing up of filth that appalled the citizens and reconciled a majority of them to any pos-

sible measures of quick relief.[1] Dr. Reilly's recommendations as a result of this work were a repetition of those of the National Board's committee. Owing to the delays in obtaining the necessary authority from the Legislature deciding upon the plan for sewerage and making the necessary contracts the work was not begun as quickly as the more sanguine and active and intelligent of the citizens hoped for. This delay greatly encouraged the malcontents who, prompted by their ignorance, and in that proportion opposed the recommendations of Dr. Reilly and the committee of the National Board of Health. These resorted to the columns of the press and to public meetings, and the discreditable exhibit was made of a population recently twice and severely scourged by epidemics of yellow fever being divided upon questions that the great communities of Europe and America were already and for years agreed upon as essentials to the public health. But the opponents of sanitation were at last silenced at a meeting held at the Greenlaw Opera House—one, too, of their own calling—and Governor Marks, who about that time visited the city to see for himself, yielded to the imperative demands of the majority, and called the Legislature together. The necessary authorisation was at once procured by legislation, and late in January the contracts for the sewers and under-tile drainage of the city were given out, according to the plans recommended by Colonel Waring, a noted sanitary and civil engineer of Newport, R. I., and he was appointed to superintend the work. At the same time the other work recommended was begun. Nearly or quite 500 houses were leveled and a great number of lots were filled up to a level with the streets, the property value or ownership of the premises proving no obstacle to the condemnation and prompt execution of the order. In condemning premises as unfit for occupancy, as well as in recommending buildings for destruction, the basis of both the National Board's inspectors and those of the city being, in all cases, purely and simply with reference to their sanitary condition. Neither weather-beaten looks, intrinsic value, wishes of neighbors, nor unverifiable reputation, had any weight in arriving at a judgment on those points. Contracts were made for paving the extension of the levee, and the substitution everywhere of water-closets for cess-pools, more than 5,000 of which had been, by the close of 1880, cleaned out, disinfected and filled up with fresh earth, thus relieving the soil of the poison that had not only polluted it, but the air and cistern and well water, too. While the sanitarians were making the marvellous change in the condition of the city, thus so carefully mapped out and conscientiously

[1] Dr. F. W. Reilly, in his report, says that with the first announced case of yellow fever, on the 9th of July, 1879, the good work initiated by the newly organised Taxing District government was forgotten, and as the season wore on and the unrelieved monotony of the tale of deaths and new cases first palled upon and then irritated the public ear, Memphis became the theme of all manner of diatribes and abuse—was used to point the tritest sanitary moral and adorn the stalest hygienic tales, until it seemed as though the Bluff City had a monopoly of filth, and every other in the land was a very Dutch kitchen in point of cleanliness.

executed, the citizens were gradually adjusting themselves to their business avocations, the cotton receipts being larger than ever before known. The public schools were opened and in a few weeks it was found that the attendance was equal to ninety-seven per cent. of the whole number of white children enrolled, and ninety-four per cent. of the colored. The usual Mardi Gras celebration was omitted during 1879, but the Theatre was opened and Mary Anderson, since so famous, made her appearance. Judge Latham was appointed Receiver of the city of Memphis by Judge Baxter of the United States Court, and Minor Meriwether was appointed State Receiver. Between these officers there was for a time a conflict of authority, but it was finally adjusted after many injunctions had been sued out and cross decisions had been recorded, and Major Meriwether was enabled to enter upon the work of saving as much as was possible of the assets of the city, and with them liquidating part of its indebtedness. The notable deaths of the year were Major Guy, a leading merchant and member of the Taxing District government; Captain C. B. Church, for more than thirty years connected with the steamboat interests of Memphis and former president of the New Orleans and Memphis Packet Company; Judge J. E. R. Ray, of the Criminal Court, formerly secretary of state during the administration of Governor Harris; Benedict Lowenstein, head of the house of B. Lowenstein & Brother, a merchant of very high position and character, and noted for his enterprise; Chancellor Kortrecht, an old citizen and distinguished member of the bar; Dr. Robert Brown, one of the oldest and ablest physicians of the city; and Judge Henry G. Smith, who died suddenly upon his return home from a sanitary meeting of which he had been chairman. He was one of the oldest citizens of Memphis, and held a most enviable position at the bar; had been a judge of the Supreme Court, and was president of the Memphis Law Library at the time of his death.

IX.

IN 1880 the defalcation of Public Administrator J. A. Anderson monopolised public attention for a time. It was one of the most flagrant of a class of crimes which had become quite common in the United States since 1878 and which in the ten years following it is estimated resulted in the robbery of quite $30,000,000. Coming as it did so close upon other affairs of the same class, the offender being an able member of the bar in good standing, and a gentleman of of hitherto acknowledged social worth, this crime staggered the public, and for a time completely undermined the general confidence. Many widows and orphans were reduced to beggary by it, and for months there was a widespread and just outcry against the fallen judge. Many true bills of indictment were found against

him by the grand jury, but beyond this nothing was done. The culprit was arrested and afterwards discharged and finally made good his escape, it was believed to Mexico, but subsequently he was reported to have retraced his steps and settled on a farm in Texas, where he still lives undisturbed. On the 6th of March the water works were sold for $155,000 to a company composed of Memphis business men who elected Judge T. J. Latham, president, by whom the works were put in order to meet the greatly increased demand for water on account of the sewers. A visit in April from General Grant on his way home from Mexico, was an incident that served to take the public mind away from the oppressions of disease, death, and defalcation. The great northerr hero was received with a hearty welcome in which all classes participated. A banquet at the Peabody at which General Grant made the best speech of his life, closed the memorable festivities. The nomination of General Hancock by the Democratic party in June furnished an occasion for general rejoicing by the people who were greatly encouraged by this, their trade prosperity, and the rapid advance made in the construction of sewers. A division in the Democratic ranks upon the question of the settlement of the State debt resulted in two candidates for governor by that party, Judge John V. Wright being the candidate of what was called the high tax party, and S. F. Wilson of the low tax, who in speeches at the Exposition Building in October, composed their differences for the sake of the success of the party. The deaths of the year were Dr. Samuel P. Cutler, David B. Malloy, Judge Trigg, ex-Congressman William T. Avery, Dr. W. C. Cavanaugh and S. W. Phillips.

Returning to the States' affairs we find that the administration of its affairs by Governor James D. Porter, who in 1875 succeeded John C. Brown, was characterised by the same determination to maintain the peace and advance all private as well as public interests. Essential to this was the settlement of the State debt on a basis of compromise that would be agreeable to the creditors and within the reach of the people to pay. They were very poor and struggling with the adversities induced by the civil war, could not pay heavy taxes The consequence was that each year found thousands of delinquents so that the State fell behind and could not meet its interest charges and pay its current expenses. In 1876 an arrangement to compromise the debt at sixty cents on the dollar and six per cent. interest was nearly agreed to, and in 1879 when the lapsed interest amounted to $4,052,717 the 50 4 plan was offered. But this, too, failed. A few energetic demagogues had secured the ear of the public and were preaching repudiation on pleas wholly untenable from any stand point of fairness or honesty, and the result was in 1880 a split in the Democratic ranks that enabled the Republicans to elect Alvin Hawkins governor, defeating John V. Wright, the regular State-credit Democratic nominee, S. F. Wilson, the repudiation nominee, and R. M. Edwards, the nominee of the absurdly based and and thoroughly heretical and radical Greenback party, which proposed to repudi-

ate all but $2,050,000 of the debt. The Legislature elected stood: Senate, 15 Democrats and 10 Republicans; house, 36 Democrats and 37 Republicans, and 1 Greenbacker, but the nominal representatives of both parties were so divided by the various plans of settlement that the adoption of a plan seemed to be impossible. However in April, 1881, the Legislature adopted what was known as the "100-3 plan," but in February of 1882 the Supreme Court declared this unconstitutional on account of a clause making the coupons attached to the bonds receivable for taxes. This sent the debt settlement back again to the people, and Governor Marks, Democrat, was elected in the fall of 1881, but nothing was definitely accomplished until 1883, when (on March 13th), the "50-3 plan" was adopted. This was carried into effect by Governor Bate, who was elected for two terms by decreasing Democratic majorities. By this act the governor, comptroller and treasurer, were constituted a funding board. They found a bonded indebtedness of $27,786,066.39, of which by January, 1887, R. L. Taylor being governor, they had retired $22,375,400, issuing for them $11,554,990 of 50-3 bonds, leaving $5,728,000, with interest yet to be refunded. Of this amount $1,500,000 are held by educational institutions and are exempt from the operations of the funding act, leaving a total of only $4,228,000 to be funded, much of which has been taken up since.

Keeping pace with the settlement of the debt the State as rapidly as was possible liquidated the indebtedness of the State Bank. Between January, 1870, and July, 1874, $2,179,375 of the old notes issued by the bank and its branches were received into the treasury and cancelled, and in addition another sum of new and old issues, amounting as was ascertained by the acts of 1883 and 1885 to $2,231,332.89, all of which was under those acts redeemed. The bonds issued for the bank were funded in 1873-4, and it only now remains for the State to pay the depositors, as it will ultimately do, and the bank which was so powerful an agency in the enormously rapid growth of the State and in the maintenance of its public and private solvency will have disappeared from its history. It was a most profitable as well as prosperous institution. On the 7th of October, 1841, Governor Polk stated its capital stock to be $3,122,746.74, and the last report of its president on file in the State department, dated October 3, 1859, states the capital stock paid up to be $3,679,068.33. On this capital the total earnings paid over to the State from the 1st of July, 1839, to the 1st of July, 1861, are stated to have footed up the enormous total of $5,121,341.38, nearly $1,500,000 more than the original capital earned in twenty-two years. The settlement of the bank's affairs was not accomplished without a great deal of tedious litigation, the State being reluctant to pay anything that was not sustained by a decision of the highest court in the State, sometimes the highest court in the Union. Even as late as 1886 issues were made up and tested, but in all of them the equities were with the note holders and the cases were decided against the State, except in the one case of fractional

currency, amounting to a little over $106,000 issued after the bank left Nashville in 1862. On the 16th of May, 1886, the bank was placed in liquidation by an order of the Chancery Court of Davidson county.

The growth of the State in population and wealth since 1880 is in some respects unprecedented at the South.[1] In that year the population, by the United States census was 1,591,749, an increase of 23 per cent. over the returns of 1870, which were 1,158,440. Increasing at the same rate since the population should have been on the 30th of June, 1886, 1,813,600, but as the increase has been more rapid it is safe to assume that it is now nearly 2,000,000. Taxable values, excluding railroads and telegraph lines, on an absurdly and libellously low scale of assessment, were in 1886 only $224,909,179. The gain in the value of crops in five years for 1885 to 1886 was $10,612,000 or 16 per cent. In 1885 there was 2,615 more manufacturing establishments than in 1880, the increased value of their products being $25,025,114. In 1880 there were nine cotton seed oil mills with a total capital of $935,000, and in 1885 there were 17 mills with a capital of $1,731,500. The gain in cotton mills was 12, of spindles 47,767, and looms 114. The increase in mills in five years was 75 per cent., in the number of spindles 137 per cent., in looms 12 per cent., a most creditable showing. In 1880 Tennessee's mills consumed 10,436 bales of cotton; in 1885 28,202 bales, an increase of 270 per cent. In the year 1886 the cotton receipts at Memphis were 545,560 bales, one-twelfth the total crop of the country, and 115,000 bales in excess of the year 1885.

In the five years ending December 31, 1885, the State added to her railways 938 miles, the new line and equipments costing $13,175,000. The new lines built in 1886 were estimated at 130 miles, making, a total to date of 3,332 miles. That is to say, Tennessee's mileage was increased 44 per cent. in six years. Of the lines in use at the close of 1885, 1,870 miles were laid with steel and 1,332 with iron rail. The rolling stock on Tennessee roads nearly doubled in value from 1880 to the close of 1885. At the latter date it consisted of 388 locomotives, 207 passenger cars, 74 baggage and mail cars, and 8,642 freight cars, total of carriages 8,924, excluding locomotives. The railroads of the State consisted of 3,202 miles of track in 1885, 1,870 miles of which were laid with steel rails. The capital stock of these properties is $64,434,170, and the bonded debt $87,699,757; surplus assets over liabilities of all kinds, $1,056,946; total value of lines and stock, $161,926,820; total cost of roads and equipment, $159,294,379. This system now connects all the important commercial and manufacturing centers with each other and the outside world. The lines are well equipped and managed by railroaders of the highest standing for integrity and success in their calling.

Enormously rich in coal and iron Tennessee is only now beginning to feel the quickening effects of a substantial manufacturing movement There are

[1] J. MacGowan's "Chattanooga and Tennessee."

four iron fields in Tennessee: The Eastern hematite and magnetite, the dyestone of the Tennessee River and its tributary valleys, the clay iron stone of the Cumberland plateau, the Western hematite belt, with its smaller counterpart in Middle Tennessee, in the counties of Warren, White, Putnam, Overton and Van Buren. Of the ninety-nine counties of the State fifty-six are known to have iron beds in workable quantities. Even the low grade clay iron of the Cumberland table land would be thoroughly worked in England, it being fully equal in all respects to the best ores found in the great Cleveland district in the northern part of that kingdom. The combined fields cover a total area of about 24,000 square miles, or more than half of the State. The ores are widely distributed. They are easily and cheaply mined. None of them are remote from coal in direct lines. The dyestones are interstratified with coal and limestone—all three being found on the same estates. They have been scientifically tested since 1880, and their development has of course kept pace with the growth of the iron trade since the war. Within a few years the Tennessee River will connect the coal of the Cumberland range with the hematites of the western belt, and railroads will do the same for the eastern limonites and magnetites. Like its other enormous resources the iron ore interest of Tennessee is a trifle compared to the millions that will be invested in it for local use and shipment a few years hence. Iron was first manufactured in the State on anything like a creditable scale in 1825 in Dixon county, and in Carter county in 1840, but the whole output in 1860 was not more than 20,000 tons. In 1886 the furnace capacity of the State was 280,000 tons of bituminous coal and 55,000 tons of charcoal iron, a total of 335,000 tons. In 1880 there were 64,503 kegs of iron nails made in the State, and in 1886 235,000 kegs of steel nails. That year's output of steel rails was worth $1,750,000, and of rolled iron, exclusive of rails, was in 1886 181,000 tons. The coal fields of Tennessee are an extension of the bituminous beds of Pennsylvania and West and Southwest Virginia. It lies along the Cumberland range, extending through the State from northeast to southwest. About half the field lies in East Tennessee and the other half in Middle Tennessee. The area is an irregular quadrilateral, being seventy-one miles wide at its northeastern end, fifty miles wide at the south line of the State, and covering a total of 5,100 square miles, nearly one-eighth of the State's surface. The following counties are included in whole or part, in the coal limits: Scott, Morgan, Cumberland Fentress, Van Buren, Bledsoe, Grundy, Sequachee, Marion, Claiborne, Campbell, Anderson, Rhea, Roane, Overton, Hamilton, Putnam, White, Franklin, Warren and Coffee, twenty-two in all. In 1870 only 133,000 tons of coal were mined in the State; in 1880 there were 641,000 tons, and in 1886 1,350,000 tons. Of coke the net output in 1884 was 100,935 tons, in 1886 it was 125,000 tons.

The farms of Tennessee covered 20,666,915 acres in 1880. In 1870 the

farms covered 19,581,21 acres showing that the cultivated area had been extended over 1,085,701 acres in the decade. The products cover every variety of vegetable known to the temperate zone, many of which grow here more luxuriantly than farther north. Tennessee raises her own food and a great surplus for sale. In 1885 the increased production of these farms over that of 1880 was

	Increase over 1880.
Wheat, bushels	5,668,647
Oats, bushels	170,184
Barley, bushels	89,981
Tobacco, pounds	6,634,948
Hay, tons	63,692
Clover seed, bushels	5,211
Grass seed, bushels	5,902
Poultry, barn yard, head	617,733
Poultry, other, head	330,546
Eggs, dozens	3,652,518
Irish potatoes, bushels	545,519
Sweet potatoes, bushels	270,099
Horses, head	31,934
Mules and Asses, head	20,809
Work oxen, head	1,365
Milch cows, head	36,468
Other cattle, head	54,295
Swine, head	108,000
Pounds of butter made on farms	2,682,954
Garden products	$ 83,731
Forest products	$1,873,184

The area planted in cotton amounts to 664,758 acres. The yield was 200 pounds of lint to the acre, a total of 132,951,600 pounds, about 300,000 bales. Tennessee ranks third among the Southern States for corn, second for wheat and the second for oats. In 1868 she produced 54,772,000 bushels of corn; in bushels. In 1868 she produced 6,137,000 bushels of wheat; in 1885, 8,749,000 1885, 75,581,000 bushels. In 1868 she produced 2,881,000 bushels of oats; and in 1885, 10, 752,000 bushels. The increased acreage in grasses is also extraordinary, attesting to varied crops and a better system of farming than prevailed before 1865. Stock raising has become a special business in all parts of the State, and very lucrative, and there are many fine herds of Holsteins, Devons, and other breeds, as well as high-bred Shorthorns. The systematic culture of fruit for export, especially in the western part of the State, yields profits up in the hundreds and thousands of dollars. The growth of public opinion in favor of public education is as astonishing as the growth in material things. In 1880, 191,461 children attended the public schools, and the total appropriation was $724,862; in 1885 there were 6,605 public schools open in the State, 192,403 children in attendance, and the total appropriation was $1,330,839. In 1886

the total amount of school funds received from all sources was $1,409,835.32, an increase of $78,996.15 over the preceding year, and there were a few counties that had not reported. The normal school is well maintained and is doing good service, and teachers' institutes are held in all the counties and also at Nashville for the whole State. Besides the public schools and normal school, the State maintains a university at Knoxville, where technical instruction is given, the pupils being under military training; a reformatory school at Nashville; a school for the deaf and dumb; a school for the blind; and hospitals for the insane at Bolivar for West, Nashville for Middle, and Knoxville for the Eastern division of the State. Besides the public educational establishments, there are seven universities and eight colleges controlled by the Roman Catholic, Protestant Episcopal, Methodist, Presbyterian, Cumberland Presbyterian, and Baptist Churches, with a total of nearly 4,000 pupils and more than 200 instructors. The State contains nearly 4,000 libraries with an aggregate of 1,000,000 volumes, including the State library of more than 25,000 volumes and the State Historical Society's library. The total number of newspapers and periodicals published in the State is about 300, of which ten are monthly, thirteen daily, and the rest weekly or tri-weekly. A bureau of agriculture, statistics, mines, and immigration is well sustained, and a State board of health, with a health officer in each county to report to it, and power to enforce quarantine and sanitary regulations.

Leaving the State in a more prosperous condition than she had ever known in her history, let us return to Memphis, which had undergone a complete metamorphose at the hands of the sanitarians. Dr. Porter remained at the head of the Taxing District government until 1882, when his successor, D. P. Hadden, the present president of the Taxing District, was elected. Mr. Hadden continued the work so skillfully and energetically inaugurated by his predecessor and was well supported by the public. The opposition which Dr. Porter had encountered so patiently and successfully had disappeared, and public opinion had become all but unanimous in support of the well devised plans by which Memphis was taken out of very depressing unsanitary conditions. Additions were rapidly made to the sewers, low vacant lots were filled up, streets were paved or gravelled, and unsanitary buildings were torn down and the material destroyed. Since 1880 Memphis has made giant strides by virtue of the stimulus of a great sanitary reform. The population has grown from 33,592 to about 65,000, the business has increased by fully $65,000,000, and the railroads entering the city have been increased by the Chesapeake and Southwestern, which swallowed up the River road, by the Kansas City, Springfield and Memphis in 1883, the Louisville, New Orleans and Texas in 1885, the Memphis and Birmingham in 1887, the Tennessee Midland in May of 1888, and the Bald Knob Branch of the Iron Mountain in June of the same year. These, with the Memphis and Charleston, the Louisville and Nashville, the Mississippi and

Tennessee (now the Memphis Branch of the Illinois Central), and the Little Rock Railroad, make ten railroads with branches that enter and do business in the city. The river tonnage has suffered no diminution, and express freights have more than quadrupled with the Pacific as well as the Southern Company. City improvements have kept pace with this extraordinary growth, as they were essential to it. There is now an ample supply of Artesian water, pure, clear and wholesome, and declared by scientific experts to be the very best attainable. Since February 1, 1879, and up to June, 1888, $24\frac{42}{100}$ miles of streets have been paved at a total cost of $730,657.86; $44\frac{71}{100}$ miles of sewers have been laid, and $36\frac{43}{100}$ miles of drain tiles at a cost of $340,000. Besides which the old debt, amounting to $6,107,950.79, has been funded by agreement with the creditors at fifty cents on the dollar, there being now outstanding $3,241,710.85 of the new bonds to mature in 1907, 1913 and 1915, the annual interest on which, amounting to $148,648, is met promptly every six months at maturity. Nothing so shames the old form of municipal government as this exhibit of progress, economy and business-like management. Every dollar of expenditure has been wisely planted as a basis for the health and prosperity of the present, and populations to come. Even though there had not been any debt hanging over Memphis, so sweeping a sanitary reform, as has been accomplished, would have been impossible to the mayor and board of aldermen and councilmen. These bodies did not exist for the greatest good of the greatest number. They were component parts of a machine the heart of which was in Washington, the Mecca of all American politicians. Theirs was an abused trust, and those who managed it were for the most part merely following bad precedents, ignorant of any wrong, and good-naturedly moving in the fancied security of the perfect fulfilment of duty. To be a councilman was to take the first step in the ascending scale of political preferment, and to advance beyond that step the neophyte must give the necessary guarantees of his appreciation of his elevation by giving his vote to carry all party measures, and these to a municipal council generally meant the expenditure of the people's money in so generous a way as to afford an easy and affluent support for the horde of hangers on who pretended to have political influence in the wards sufficient to make or unmake councilmen and aldermen at pleasure. A cruel and exacting tyranny, by a "gang" made up for the most part of characterless adventurers, manipulated by unscrupulous demagogues, this system could not be successfully overcome by the industrial and intelligent classes in any other way than by the sweeping and revolutionary enactment which brought the Taxing District government into existence. The ward politicians were always strong enough to carry a majority of the wards, and though sometimes their candidate for mayor was defeated, they seldom failed to secure a majority of both boards, and through them were enabled successfully to overcome the vetoes of that official and neutralise his efforts for good. The municipal government

of Memphis, directed by these methods, the growth of years and common to the whole United States, existed as a mere eleemosynary institution for the support of the workers for the party, who, at every election, could be relied upon to enforce the wishes and views of the clique that, for the time being, was the strongest and offered the most tempting inducements by the avowal of a job more nefarious than any that their opponents would confess to. In this way and aided by the often culpable negligence of the merchant and manufacturing classes the money of the people of Memphis was squandered for the fifty-two years of its corporate existence immediately preceding 1879. Helping to this result, it ought also to be said, there was no definite purpose on the part of the people to build a city as a man would build a house. They had a hope growing out of the geographical situation of the place that, in the "near future," as they rather vaguely phrased it, it would be a great city and that this greatness was to be achieved by their individual labor and not by concerted effort or by paving well-graded streets under a competent engineer and compelling the municipal government to make public improvements as fast as those made by the private individuals, and of as permanent a character or correspondingly as valuable. Hence there were no paved roadways, and the sidewalks or promenades were uneven and of every possible material that individual caprice could suggest. Individual whim, too, frequently prevailed over public necessity, especially where an influential citizen or politician's wishes were concerned. Nothing more vicious than this mixture of tyranny over the groaning and helpless many and obsequiousness to the conspicuous few can be imagined. The law and the ballot-box were both defied, and the most ordinary human rights were ruthlessly trampled under foot. It was a nefarious power, made up of lawlessness, corruption, ignorance, moral cowardice and perfidy and the consequences of its sway were a vicious, idle, and shiftless class called variously "strikers" and "bummers," the perpetuation of an equally idle, shiftless, and ne'er-do-well set of persons known as ward politicians, and the development of a moral cowardice on the part of the average citizen that it is impossible even now so close to the time of its existence to realize. The men of political influence in the ward were to be feared as those who wielded and controlled a power all the more potent because it was mysterious. They "pulled the wires," as the phrase runs, they set the wheels in motion, and to them the candidate for any office always turned with appealing and helpless dependence, first to secure his nomination and afterwards to assure his election. For the most part men without capital or income a good support must be assured them in order that they might exercise and cultivate their talents at their leisure. To find this income the public treasury was placed at their disposal, and appropriations for jobs at their dictation were always in order, out of the profits of which they were paid a percentage, or for securing which they were paid at once a certain sum out of hand. To

crush this power, the growth of years, so carefully distributed by wards, would have been impossible had it not been for the epidemics which not only lessened the population by many thousands but greatly reduced the taxable values of the city. The debt that was of itself a crushing, almost a killing weight, would not have forced the change. It was only when the citizens found their assessed and taxable values reduced from $32,000,000 in 1874 to about $16,000,000 in 1878, the population decreased from 40,226 in 1870 to 33,592 in 1880, and the city debt increased to over $6,000,000 by non-interest payment and court's costs[1] that they could be induced to consent to the revolution that was the only efficiently remedial agency they could resort to for immediate relief and for time to recuperate their personal energies to meet successfully the emergency of bankruptcy, that easy indifference, culpable negligence, political mismanagement, and machine charlatanry and ignorance had accumulated through two generations. In view of the peremptory mandamuses of the United States Courts issued to satisfy the demands of necessitous and in some cases remorseless creditors, the machine politicians found that the problem of immediate sanitary improvement involving a present outlay of $225,000, the payment of the floating debt and the interest on the bonded debt was one they could not solve. With the help of the epidemics they had killed the goose that laid the golden egg. They offered a feeble protest to the radical cure that by thoughtful men was prescribed as the only one adequate to the case, but this was merely to preserve their consistency. Amidst gloom and sorrow, despondency and despair the old municipality of the city of Memphis passed away forever and made way for a new method that will in time no doubt be perfected so as to provide for the legal resumption of the name "Memphis," with the taxing power limited as at present to stipulated purposes, but without the power to pledge the public credit under any pretext even for one cent or one minute of time. In this way perfect self-government may be assured the citizen under a municipal system that is the safest, the most guarded and the most responsible ever devised, and at the same time the most limited, affording nearly absolute certainty in the honest and economical expenditure of the appropriations, and that these shall be on a scale commensurate with the advance or increase of the population, the commerce and the business of the city, and its sanitary needs and necessities, and all this free from the interference or manipulation of the ward "bummer" or "striker," or the "ward politician." The officers existing under the law creating the Taxing District are elected by the whole body of the voters of the city, the wards being abolished, the citizens cannot therefore be easily defeated of their purposes in

[1] The State had at the close of 1878, seized one-third of the realty of the city for delinquent taxes, leaving the owners of the remaining $12,000,000 to shoulder the burden of the expenses of State, county, and city governments. To relieve itself of this impending total confiscation, the corporation, on the 31st day of January, 1879, surrendered its charter.

selecting efficient and honest men; they cannot be beaten in detail as under the ward plan, and only by the grossest culpability and negligence can they ever again become the prey of characterless vultures, be saddled with debt or become the victims of decimating epidemics.